

87 01354

HUGHSON MUNICIPAL CODE

CITY OF HUGHSON
ORDINANCE NO. 87-03

AN ORDINANCE ADDING CHAPTER 17.66
COMMERCIAL VEHICLES IN RESIDENTIAL
ZONES, TO THE HUGHSON MUNICIPAL CODE

The City Council of the City of Hughson does ordain as follows:

Section 1. Chapter 17.66, Commercial Vehicles in Residential Zones, is hereby added to Title 17 of the Hughson Municipal Code to read as follows:

Chapter 17.66
Commercial Vehicles in
Residential Zones

17.66.010	Definitions
17.66.020	Construction
17.66.030	No commercial vehicles in residential zones; exceptions
17.66.040	Nuisance declaration
17.66.050	Administration
17.66.060	Removal by contractor
17.66.070	Administrative costs
17.66.080	Abatement - Authority
17.66.090	Preliminary Notice
17.66.100	Notice of intention to abate
17.66.110	Abatement - Notice - Property owner
17.66.120	Abatement - Notice - Commercial vehicle owner
17.66.130	Hearing; notice
17.66.140	Hearing - Procedure
17.66.150	Hearing - Determination
17.66.160	Summary abatement
17.66.170	Billing
17.66.180	Violation -- Penalty

17.66.010 Definitions. Certain words and phrases are defined in this section to clarify their use in this chapter. Where a definition is not given or where a question of interpretation arises, the definition that shall control is the definition given elsewhere in this title or if no definition is so given then the normal meaning of the word within the context of its use.

A. "Administrative cost" means the estimated reasonable cost of enforcing the provisions of this chapter against a commercial vehicle on property in a residential zone, excluding removal costs.

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B. "Chief of police" means and includes the chief of police of the City of Hughson and his authorized representatives.

C. "Commercial vehicle" and "subject vehicle" means and includes any vehicle registered for commercial purposes pursuant to the applicable provisions of the California Vehicle Code and having a manufacturer's gross vehicle weight of 10,000 pounds or more, and any trailer or semitrailer designed to be drawn by such vehicle.

D. "Manufacturer's gross vehicle weight" means the weight in pounds of the chassis of a truck or truck tractor with lubricants, radiator full of water, full fuel tank or tanks plus the weights of the cab or driver's compartment, body, special chassis and body equipment and pay load as authorized by the chassis manufacturer.

In the event a vehicle is equipped with an identification plate or marker bearing the manufacturer's name and manufacturer's gross vehicle weight, the weight stated thereon shall be prima facie evidence of the manufacturer's gross vehicle weight.

E. "Owner of the commercial vehicle" and "commercial vehicle owner" mean the last registered owner and legal owner of record of a commercial vehicle on property in a residential zone.

F. "Owner of property" and "property owner" mean the owner of the property on which a commercial vehicle is located as shown on the last equalized assessment role.

G. "Removal costs" means and includes all costs other than administrative costs reasonably associated with the removal of a commercial vehicle from property in a residential zone pursuant to this chapter, including, but not limited to, towage and storage costs and repair or replacement costs for any public improvements damaged or destroyed in the process of removing a commercial vehicle.

H. "Subject property" means the property on which a commercial vehicle is located.

17.66.020 Construction. This chapter is not intended to be the exclusive regulation of commercial vehicles in residential zones within the city. It shall supplement and be an addition to the other regulatory codes, statutes, and ordinances heretofore or hereafter enacted by the city, the state, or any other legal entity or agency having jurisdiction.

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17.66.030 No commercial vehicles in residential zones; exceptions. No commercial vehicle shall be stopped, parked, or left standing on any part of any property in any residential zone at any time unless such vehicle is making pick ups or deliveries of goods, wares, or merchandise from or to a building or structure located on such property or is delivering materials to be used in the actual and bonafide repair, alteration, remodeling, or construction of any building or structure upon such property for which a building permit has previously been obtained, or unless such vehicle is registered to a public utility and is being used by the public utility in connection with the operation, maintenance, or repair of its facilities or with the provision of its services.

17.66.040 Nuisance declaration. The presence of commercial vehicles on property in residential zones is found to detract from the residential character and appearance of such zones, to create a condition tending to reduce the value of private property, to promote blight and deterioration, and to be injurious to the public health, safety, and general welfare. Therefore, the presence of commercial vehicles on property in residential zones except as expressly permitted in this chapter is declared to constitute a public nuisance which may be abated as such in accordance with the provisions of this chapter.

17.66.050 Administration. Except as otherwise provided in this chapter, the provisions of this chapter shall be administered and enforced by the chief of police. In the enforcement of this chapter the chief of policy may enter upon private or public property to examine a commercial vehicle to obtain information as to the identity of the vehicle and its owner, and to remove or cause the removal of a commercial vehicle declared to be a nuisance pursuant to this chapter.

17.66.060 Removal by contractor. The city council may contract with or grant a franchise to any person or persons to remove commercial vehicles declared to be nuisances pursuant to this chapter. When the city council has entered into such a contract or granted such a franchise, the person or persons contracted with or granted a franchise to shall be authorized to enter upon private or public property to remove or cause the removal of any commercial vehicle declared to be a nuisance pursuant to this chapter.

17.66.070 Administrative costs. The city council shall from time to time determine and fix by resolution an

amount to be assessed as the administrative costs of enforcing this chapter.

17.66.080 Abatement - Authority . Upon discovering the existence of a commercial vehicle on property in a residential zone in violation of this chapter, the chief of police shall have the authority to cause the abatement and removal thereof in accordance with the procedure prescribed in this chapter.

17.66.090 Preliminary notice. Prior to the mailing of the notice of intention to abate as specified in this chapter, the chief of police shall notify the property owner and the commercial vehicle owner that there is cause to believe a commercial vehicle is on property in a residential zone in violation of this chapter. Such notification shall be by telephone, personal visit, letter, or a combination of these. Such notification shall include a request that the person notified correct the condition, or otherwise show that the condition does not exist, within thirty days. Upon failure to respond, or failure to correct the condition, or failure to show that the condition does not exist within said thirty days, the chief of police shall mail or cause to be mailed the notice of intention to abate as specified in this chapter.

17.66.100 Notice of intention to abate. A ten-day notice of intention to abate a commercial vehicle as a public nuisance shall be mailed by registered or certified mail, to the property owner and the commercial vehicle owner. The notice of intention to abate shall be in the forms specified in sections 17.66.110 and 17.66.120.

17.66.110 Abatement - Notice - Property owner. The notice of intention to abate to be sent to the property owner shall be in substantially the following form: ,

NOTICE OF INTENTION TO ABATE
A COMMERCIAL VEHICLE AS A
PUBLIC NUISANCE

TO: (Name and address of property owner)

As the owner shown on the last equalized assessment roll of that certain real property located at ____ (address) ____ ("subject property"), you are hereby notified that the undersigned pursuant to chapter 17.66 of the Hughson Municipal Code has determined that there is a commercial vehicle registered to _____, license number _____ ("subject vehicle"), on the subject property, that the subject property is in a residential

zone, and that the subject vehicle constitutes a public nuisance under chapter 17.66 of the Hughson Municipal Code.

You are hereby further notified to abate such nuisance by removing the subject vehicle within ten days from the date of mailing of this notice. Your failure to do so will result in the subject vehicle being abated and removed by the city and the costs thereof, including towage and storage charges and repair or replacement costs for any public improvements damaged or destroyed in the process of removal, together with administrative costs, being assessed against you. If you fail or refuse to pay the removal costs and the administrative costs in full within thirty days from the date of removal, the amount owing will be made a lien on the subject property and will be collected as a special assessment along with other taxes on the property.

You are hereby further notified that you may, within ten days after the mailing of this notice, request in writing a public hearing before the city council on the question of abatement and removal of the subject vehicle, and the assessment of removal costs and administrative costs against the subject property. If such request is not received by the city within the ten day period, the chief of police or his authorized representative shall have the authority to abate and remove the subject vehicle as a public nuisance and assess the costs as aforesaid without a public hearing.

You are hereby further notified that you may appear in person at any public hearing requested by you or the owner of the subject vehicle, and that you may also be represented by an attorney.

Notice Mailed: _____ s/ _____;
Chief of Police

17.66.120 Abatement - Notice - Commercial vehicle owner. The notice of intention to abate to be sent to the commercial vehicle owner shall be in substantially the following form:

NOTICE OF INTENTION TO ABATE
A COMMERCIAL VEHICLE AS
A PUBLIC NUISANCE

TO: (Name and address of last registered and/or
legal owner of record of the commercial
vehicle - notice should be given to both if different)

As the last registered (and/or legal) owner of record of that certain commercial vehicle more particularly described as

(description of vehicle, make, model, license, etc.)
("subject vehicle"), you are hereby notified that the undersigned pursuant to chapter 17.66 of the Hughson Municipal Code has determined that the subject vehicle is on property located at (address) ("subject property"), that the subject property is in a residential zone, and that the subject vehicle constitutes a public nuisance under Chapter 17.66 of the Hughson Municipal Code.

You are hereby further notified to abate such nuisance by removing the subject vehicle within ten days from the date of this notice. Your failure to do so will result in the subject vehicle being abated by removal by the city and the costs thereof, including towage and storage charges and repair or replacement costs for any public improvements damaged or destroyed in the process of removal, together with administrative costs, being assessed against the subject vehicle. The subject vehicle will not be released until all such costs have been paid in full.

You are hereby further notified that you may, within ten days after the mailing of this notice, request in writing a public hearing before the city council on the question of abatement and removal of the subject vehicle, and the assessment of removal costs and administrative costs against the subject vehicle. If such request is not received by the city within the ten day period, the chief of police or his authorized representatives shall have the authority to abate and remove the subject vehicle as a public nuisance and assess the costs as aforesaid without a public hearing.

You are hereby further notified that you may appear in person at any public hearing requested by you or the owner of the subject property, and that you may also be represented by an attorney.

Notice Mailed: _____ s/ _____
Chief of Police

17.66.130 Hearing; notice. Upon receipt of a written request by the property owner or the commercial vehicle owner within ten days after the mailing of the notice of intention to abate, the city council shall hold a public hearing on the question of abatement and removal of the commercial vehicle and the assessment of removal costs and administrative costs against the subject property, or against the commercial vehicle, or against both of them.

Notice of the date, time, and place of the public hearing, including a general explanation of the matter to be considered and a general description of the location of the subject property, shall be given at least ten calendar days prior to the hearing in the following manner:

A. The notice shall be published at least once in a newspaper of general circulation within the city or posted in at least three public places within the city, including one public place within 300 feet of the subject property.

B. The notice shall be mailed, by registered or certified mail, to the property owner and the commercial vehicle owner.

C. The notice shall be mailed or delivered to all owners of real property as shown on the last equalized assessment roll within 300 feet of the subject property.

17.66.140 Hearing - Procedure. All public hearings held under this chapter shall be before the city council which shall hear all facts and testimony it deems pertinent. The city council shall not be limited by the technical rules of evidence in conducting any such hearing. The property owner and the commercial vehicle owner may appear in person at the public hearing and may also be represented by an attorney.

17.66.150 Hearing - Determination. At the conclusion of the public hearing, the city council may impose such conditions and take such other action as it deems appropriate under the circumstances to carry out the purposes of this chapter. The city council may find that a commercial vehicle is parked on property in a residential zone and order the same removed from the property as a public nuisance and determine and assess the removal costs and administrative costs against the property owner or the commercial vehicle owner or both of them. The city council may delay the time for removal of a subject vehicle if, in its opinion, the circumstances justify it. The removal and storage of a subject vehicle shall be carried out pursuant to section 22850 et seq. of the Vehicle Code.

17.66.160 Summary abatement. Upon the expiration of ten days after the mailing of the notice of intent to abate provided for in section 17.66.100, in the case where a public hearing is not requested, or upon the expiration of five days after adoption of the order declaring a commercial vehicle to be a public nuisance unless otherwise provided in such order, in the case where a public hearing is held, the chief of police shall remove or cause the removal

of the subject vehicle. The removal and storage of the subject vehicle shall be carried out pursuant to Section 22850 et seq. of the Vehicle Code.

17.66.170 Billing. If the removal costs and administrative costs are made charges against the property owner pursuant to this chapter, the same shall be billed to him promptly upon removal of the subject vehicle. If such costs are not paid within thirty days after the date of mailing such bill, they shall be assessed against the subject property pursuant to Government Code §38773.5 and shall be transmitted to the tax collector for collection. Said assessment shall have the same priority as other city taxes.

17.66.180 Violation -- Penalty

A. Notwithstanding any other provision of this title, any person who violates the provisions of this Chapter shall be guilty of an infraction for the first such violation and shall be guilty of a misdemeanor for the second or any subsequent violation occurring within twenty-four months of the first violation and shall be subject to the following:

1. A fine of one hundred dollars for the first violation.

2. A fine not exceeding one thousand dollars, or imprisonment in the county jail not exceeding six months, or both fine and imprisonment, for the second or any subsequent violation occurring within twenty-four months of the first violation.

B. The application of the provisions of this section shall not be held to prevent the removal of a commercial vehicle declared to be a nuisance pursuant to this Chapter.

Section 2. This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the city or any officer or employee thereof a mandatory duty of care towards persons and property within or without the city so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 3. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. This city council hereby declares that it would have adopted

this ordinance irrespective of the invalidity of any particular portion thereof.

Section 4. This ordinance shall become effective thirty (30) days after its final passage.

Section 5. Within fifteen (15) days after its final passage, the City Clerk shall cause this ordinance to be posted in accordance with Section 36933 of the Government Code.

The foregoing ordinance was introduced and the title thereof read at the regular meeting of the city council of the City of Hughson held on the 27th day of July, 1987, and by unanimous vote of the council members present, further reading was waived.

On a motion by councilperson HOUSE, seconded by councilperson OAKES, the foregoing ordinance was duly passed and adopted by the city council of the City of Hughson at a regular meeting thereof held on this 10th day of August, 1987, by the following vote, TO WIT:

AYES:	Councilmembers HOUSE, LEMA, OAKES and Mayor SPEARS
NOES:	None
ABSTENTIONS:	None
ABSENT:	Councilmember JACOBS


DAVE R. SPEARS, Mayor

ATTEST


MARY JANE CANTRELL
City Clerk

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SUPPLEMENT
INSERTION GUIDE
HUGHSON MUNICIPAL CODE

September, 1988

(Covering Ordinances through 88-04)

This supplement consists of reprinted pages replacing existing pages in the Hughson Municipal Code.

Remove pages listed in the column headed "Remove Pages" and in their places insert the pages listed in the column headed "Insert Pages."

This Guide for Insertion should be retained as a permanent record of pages supplemented and should be inserted in the front of the code.

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~~Preface~~
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INSERTION GUIDE

HUGHSON MUNICIPAL CODE

August, 1987

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PROCEDURE FOR DRAFTING ORDINANCES

New ordinances often amend, repeal, or add new sections to the code.

It is important when drafting these ordinances to mention, within the ordinance, the affected code section and ordinance. The underlying ordinance of the section being changed can be determined from the ordinance history in parentheses at the end of each section.

Effect of Title.

The title of an ordinance and any introductory language appearing before the ordaining clause has no legal effect. If the title states that it repeals (or amends or adds) certain provisions, but the language after the ordaining clause does not so state, the intended repeal, amendment or addition has not taken place.

Procedure When Amending Existing Code Section.

Amend the code section specifically. The underlying ordinance section may also be included.

Examples: §3.04.020 of the ____ Municipal Code is amended to read as follows. . . .
§3 of Ord. 319 and §3.04.020 of the ____ Municipal Code are amended to read as follows: . . .

Procedure When Repealing Existing Code Section.

Repeal the code section specifically, plus the underlying ordinance section if you wish. We consider both to be repealed whether you mention the underlying ordinance or not.

Examples: §3.04.020 of the ____ Municipal Code is hereby repealed.
§3 of Ord. 319 and §3.04.020 of the ____ Municipal Code are hereby repealed.

Procedure When Adding New Material to Code

If new provisions are to be added to the code, you should determine where such material would best fit within an existing section, chapter or title. If there is no existing section, chapter or title, you should assign a new title, chapter or section number. In any case, our expandable decimal numbering system is designed to allow for the incorporation of new material without disturbing the numbering system of existing material.

The following language is sufficient to locate the new ordinance in the code:

There is hereby added to the Municipal Code of ____ §5.10.033, which is to read as follows: . . .

Subsection D is hereby added to §5.10.040 of the ____ Municipal Code as follows: . . .

If you have any questions as to the proper placement of a new provision, please contact us.

Two copies of all ordinances passed should be forwarded to Book Publishing Company - 2518 Western Avenue - Seattle, Washington 98121.

Our editorial staff is always willing to provide assistance should there be any difficulty in amending the code.

HUGHSON MUNICIPAL CODE

1982

A Codification of the General Ordinances
of the City of Hughson, California

Codified, Indexed and Published by

BOOK PUBLISHING COMPANY
2518 Western Avenue
Seattle, Washington

PREFACE

The Hughson Municipal Code, originally published by Book Publishing Company in 1982, has been kept current by regular supplementation.

During original codification, the ordinances were compiled, edited and indexed by the editorial staff of Book Publishing Company under the direction of John W. Stovall, city attorney.

The code is organized by subject matter under an expandable three-factor decimal numbering system which is designed to facilitate supplementation without disturbing the numbering of existing provisions. Each section number designates, in sequence, the numbers of the title, chapter, and section. Thus, Section 18.12.050 is Section .050, located in Chapter .12 of Title 18. In most instances, sections are numbered by tens (.010, .020, .030, etc.), leaving nine vacant positions between original sections to accommodate future provisions. Similarly, chapters and titles are numbered to provide for internal expansion.

In parentheses following each section is a legislative history identifying the specific sources for the provisions of that section. This legislative history is complemented by an ordinance disposition table, following the text of the code, listing by number all ordinances, their subjects, and where they appear in the codification.

A subject-matter index, with complete cross-referencing, locates specific code provisions by individual section numbers.

This supplement brings the code up to date through Ordinance 88-04, passed June 13, 1988.

BOOK PUBLISHING COMPANY
201 Westlake Avenue North
Seattle, Washington 98109
(206) 343-5700
1-800-537-7881

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Title 1

GENERAL PROVISIONS

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<u>1.01</u>	<u>Code Adoption</u>
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Chapter 1.01

CODE ADOPTION

(RESERVED)

Chapter 1.04GENERAL PROVISIONSSections:

- 1.04.010 Definitions.
- 1.04.020 Title of office.
- 1.04.030 Interpretation of language.
- 1.04.040 Grammatical interpretation.
- 1.04.050 Acts by agents.
- 1.04.060 Prohibited acts include causing and permitting.
- 1.04.070 Computation of time.
- 1.04.080 Construction of provisions.
- 1.04.090 Repeal not to revive any ordinance.
- 1.04.100 Effect of title headings.
- 1.04.110 No duty of care imposed upon city.
- 1.04.120 Time provisions directory, except as otherwise required by state law or this code.

1.04.010 Definitions. The following words and phrases, whenever used in the ordinances of the city of Hughson, shall be construed as defined in this chapter, unless from the context a different meaning is intended or unless a different meaning is specifically defined and more particularly directed to the use of such words and phrases:

A. "City" and "town" each mean the city of Hughson or the area within the territorial limits of the city of Hughson and such territory outside of the city over which the city has jurisdiction or control by virtue of any constitutional or statutory provision.

B. "Council" means the city council of the city of Hughson. "All its members" or "all councilmen" means the total number of councilmen holding office.

C. "County" means the county of Stanislaus.

D. "Law" denotes applicable federal law, the Constitution and statutes of the state of California, the ordinances of the city, and, when appropriate, any and all rules and regulations which may be promulgated thereunder.

E. "May" is permissive.

F. "Month" means a calendar month.

G. "Must" and "shall" are each mandatory.

H. "Oath" includes an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases, the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

I. "Owner" applied to a building or land includes any part owner, joint owner, tenant in common, joint tenant, tenant by the entirety, of the whole or a part of the building or land.

J. "Person" includes a natural person, joint venture, joint stock company, copartnership, partnership, association, club, company, corporation, business, trust, organization, or the manager, lessee, agent, servant, officer, or employee of any of them.

K. "Personal property" includes money, goods, chattels, things in action, and evidences of debt.

L. "Preceding" and "following" mean next before and next after, respectively.

M. "Property" includes real and personal property.

N. "Real property" includes lands, tenements, and hereditaments.

O. "Sidewalk" means that portion of a street between the curblin and the adjacent property line intended for the use of pedestrians.

P. "State" means the state of California.

Q. "Street" includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs, or other public ways in the city which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of the state.

R. "Tenant" and "occupant," applied to a building or land, include any person who occupies the whole or a part of the building or land, whether alone or with others.

S. "Written" includes printed, typewritten, mimeographed, multigraphed, or otherwise reproduced in permanent visible form.

T. "Year" means a calendar year. (Ord. 82-5 §2, 1982)

1.04.020 Title of office. Use of the title of any officer, employee, department, board, or commission means that officer, employee, department, board, or commission of the city. (Ord. 82-5 §3, 1982)

1.04.030 Interpretation of language. All words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to the peculiar and appropriate meaning. (Ord. 82-5 §4, 1982)

1.04.040 Grammatical interpretation. The following grammatical rules shall apply in the ordinances of the city unless it is apparent from the context that a different construction is intended:

A. Gender. Each gender includes the masculine, feminine, and neuter genders.

B. Singular and Plural. The singular number includes the plural and the plural includes the singular.

C. Tenses. Words used in the present tense include the past and future tenses and vice versa unless manifestly inapplicable. (Ord. 82-5 §5, 1982)

1.04.050 Acts by agents. When an act is required by an ordinance, the same being such that it may be done as well by an agent as by the principal, such requirements shall be construed to include all such acts performed by an authorized agent. (Ord. 82-5 §6, 1982)

1.04.060 Prohibited acts include causing and permitting. Whenever in the ordinances of the city any act or omission is made unlawful, it shall include causing, allowing, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission. (Ord. 82-5 §7, 1982)

1.04.070 Computation of time. Except when otherwise provided, the time within which an act is required to be done shall be computed by excluding the first day and including the last day unless the last day is Sunday or a holiday, in which case it shall also be excluded. (Ord. 82-5 §8, 1982)

1.04.080 Construction of provisions. The provisions of the ordinances of the city and all proceedings under them are to be construed with a view to effect their objects and to promote justice. (Ord. 82-5 §9, 1982)

1.04.090 Repeal not to revive any ordinance. The repeal of an ordinance shall not repeal the repealing clause of an ordinance or revive any ordinance which has been repealed thereby. (Ord. 82-5 §10, 1982)

1.04.100 Effect of title headings. The title, chapter, article, and section headings of any ordinances or of the code of the city shall not in any manner affect the scope, meaning, or intent of the provisions of the ordinances or code. (Ord. 82-5 §11, 1982)

1.04.110 No duty of care imposed upon city. The provisions of this code are not intended to and shall not be construed or given effect in a manner that imposes upon the city or any officer or employee thereof a mandatory duty of care toward persons and property within or without the city so as to provide a basis of civil liability for damages, except as otherwise provided by law. (Ord. 86-03 §1, 1986)

1.04.120 Time provisions directory, except as otherwise required by state law or this code. Any provisions in this code governing the time within which an official is to act shall in all instances, except for notice requirements and

as otherwise required by state law, be deemed directory rather than mandatory, unless otherwise specifically stated. (Ord. 86-03 §2, 1986)

Chapter 1.08

IMPRISONMENT

Sections:

1.08.010 Location designated.

1.08.010 Location designated. Pursuant to the provisions of Section 36903 of the California Government Code, imprisonment in the Stanislaus County jail is prescribed as the place for imprisonment for violation of an ordinance of the city. (Ord. 72-6 §1, 1972)

Chapter 1.12GENERAL PENALTYSections:

1.12.010 Violation--Penalty.

1.12.020 Each day deemed separate offense.

1.12.010 Violation--Penalty. Any person violating any provision or failing to comply with any mandatory requirement of any ordinance of the city is guilty of an infraction, unless the ordinance makes the violation or failure to comply a misdemeanor. Except in cases where a different punishment is prescribed by any ordinance of the city, any person convicted of an infraction for the first time under the provisions of any ordinance of the city shall be punished by a fine not to exceed one hundred dollars. Any person convicted of an infraction for a second time within one year under the provisions of the same ordinance of the city shall be subject to a fine not exceeding two hundred dollars. Any person convicted of an infraction for a third or greater time within one year under the provisions of the same ordinance of the city shall be subject to a fine not exceeding five hundred dollars. Any person convicted of a misdemeanor for the first time under the provisions of any ordinance of the city shall be subject to a fine of two hundred fifty dollars, or to imprisonment in the county jail for a period not to exceed sixty days, or to both such fine and imprisonment. Any person convicted of a misdemeanor for a second or greater time within one year under the provisions of the same ordinance of the city shall be subject to a fine of up to one thousand dollars, or to imprisonment in the county jail for a period not to exceed one hundred eighty days, or to both such fine and imprisonment. (Ord. 84-06 §1, 1984: Ord. 82-4 §2(A), 1982)

1.12.020 Each day deemed separate offense. Each person is guilty of a separate offense for each and every day during any portion of which any violation of any provision of the ordinances of the city is committed, continued, or permitted by any such person, and is punishable accordingly. (Ord. 82-4 §2(B), 1982)

Title 2ADMINISTRATION AND PERSONNELChapters:

<u>2.04</u>	<u>City Council</u>
<u>2.08</u>	<u>City Manager</u>
<u>2.12</u>	<u>Planning Commission</u>
<u>2.16</u>	<u>Peace Officer Standards and Training</u>
<u>2.20</u>	<u>Emergency Services</u>
<u>2.24</u>	<u>Salaries</u>
<u>2.28</u>	<u>Personnel Merit System</u>
<u>2.32</u>	<u>Public Employees' Retirement System</u>

Chapter 2.04CITY COUNCILSections:

- 2.04.010 Meeting--Time.
- 2.04.020 Meeting--Location.
- 2.04.030 Vacancy filling--Appointment.
- 2.04.040 Vacancy filling--Qualification and election.

2.04.010 Meeting--Time. The city council shall meet regularly twice a month on the second and fourth Mondays, at the hour of seven p.m., or at such other time as the city council may from time to time fix by resolution. (Ord. 76-5 §1, 1976)

2.04.020 Meeting--Location. Meetings of the city council shall be held in the council meeting room of the city office building located at 7018 Pine Street in the city of Hughson, Stanislaus County, California. (Ord. 76-5 §2, 1976)

2.04.030 Vacancy filling--Appointment. A. Except as otherwise provided in Section 2.04.050, whenever a vacancy in the office of a member of the city council is filled by the council by appointment as authorized by California Government Code Section 36512, the person so appointed to fill a vacancy on the city council shall hold office only until the date of a special election which shall immediately be called to fill the remainder of the term, as provided in Government Code Section 36512.2. Such a special election may be held on the date of the next regularly scheduled

election to be held throughout the city not less than ninety days of the call of the special election, unless such election falls more than two hundred seventy days from the call of the special election, in which case the special election shall be held on the next regularly established date not less than ninety days from the call of the special election.

B. If, by five p.m. on the sixty-third day before a special election called as provided in subsection A of this section, no one or only one person has been nominated for the vacant office to be filled at that election, the city clerk shall submit a certificate of these facts to the city council and inform the city council that it may, at a regular or special meeting held before the scheduled election, adopt one of the following courses of action:

1. Appoint to the office the person who has been nominated;
2. Appoint to the office any eligible elector, if no one has been nominated;
3. Hold the election if either no one or only one person has been nominated. (Ord. 81-1 §1(part), 1981: Ord. 78-7 §1(part), 1978)

2.04.040 Vacancy filling--Qualification and election.
The city council may make an appointment or direct an election to be held. The person appointed, if any, shall qualify and take office and serve exactly as if elected at the special election for the office. However, if by the fiftieth day before the special election no person has been appointed to office pursuant to Section 2.04.030, the election shall be held. (Ord. 81-1 §1(part), 1981: Ord. 78-7 §1(part), 1978)

Chapter 2.08

CITY MANAGER

Sections:

- 2.08.010 Office created.
- 2.08.020 Reference to city administrator.
- 2.08.030 Appointment and removal.
- 2.08.040 Powers and duties designated.
- 2.08.050 Law enforcement responsibility.
- 2.08.060 Employee supervision.
- 2.08.070 Appointment and removal authority.
- 2.08.080 Administration.
- 2.08.090 City council--Recommendations.
- 2.08.100 City council--Meeting attendance.
- 2.08.110 Finance officer duties.
- 2.08.120 Budget preparation.

Sections: (Continued)

- 2.08.130 Purchasing control.
- 2.08.140 Complaint investigation.
- 2.08.150 Public property supervision.
- 2.08.160 Additional duties.
- 2.08.170 Participation in council meetings.
- 2.08.180 Manager pro tempore.
- 2.08.190 Residency required.
- 2.08.200 Eligibility restriction.
- 2.08.210 Bond required.
- 2.08.220 Compensation.
- 2.08.230 Internal relations.
- 2.08.240 Additional agreements.

2.08.010 Office created. The position of the city manager is created and established. The city manager shall be appointed by the city council wholly on the basis of his administrative and executive ability and qualifications and shall hold office for and during the pleasure of the city council as provided in this chapter. (Ord. 80-11 §1, 1980)

2.08.020 Reference to city administrator. Whenever a reference is made to city administrator in this code, or in any other city ordinance, resolution, or action, that reference shall mean city manager. (Ord. 80-11 §2, 1980)

2.08.030 Appointment and removal. The city council shall appoint the city manager for an indefinite term and may remove him at any time by a three-member vote of the city council convened in a regular meeting. At least thirty days before the removal becomes effective, the council shall cause a written notice to be furnished to the manager stating the council's intentions to remove him. If the manager so requests, the council shall provide, in writing, reasons for the intended removal within seven days after the request. The council may suspend the manager immediately from duty, but shall in any case cause to be paid him any unpaid balance of his salary up to the date upon which the removal becomes effective. The council, in removing the manager, shall use its uncontrolled discretion and its action shall be final. (Ord. 80-11 §3, 1980)

2.08.040 Powers and duties designated. The city manager shall be the administrative head of the government of the city under the direction and control of the city council except as otherwise provided in this chapter. He is responsible for the efficient administration of all the affairs of the city which are under his control. In addition to his general powers as administrative head, and not as a limitation thereon, it is his duty and he has the powers set forth in Sections 2.08.050 through 2.08.160. (Ord. 80-11 §4(part), 1980)

2.08.050 Law enforcement responsibility. It is the duty of the city manager to enforce all laws and ordinances of the city and to see that all franchises, contracts, permits, and privileges granted by the city council are faithfully observed. (Ord. 80-11 §4(a), 1980)

2.08.060 Employee supervision. It is the duty of the city manager, and he has the authority to control, order, and give directions to all heads of departments and to subordinate officers and employees of the city under his jurisdiction. (Ord. 80-11 §4(b), 1980)

2.08.070 Appointment and removal authority. Subject to the employee merit system rules and regulations of the city, it is the duty of the city manager to, and he shall, appoint, remove, promote, and demote any and all officers and employees of the city, except the city treasurer, the city attorney, commissioners, and all elected officials. (Ord. 80-11 §4(c), 1980)

2.08.080 Administration. It is the duty and responsibility of the city manager to conduct studies and effect administrative reorganization of offices, positions, or units under his direction as may be indicated in the interest of efficient, effective, and economical conduct of the city's business. (Ord. 80-11 §4(d), 1980)

2.08.090 City council--Recommendations. It is the duty of the city manager and he shall recommend the city council for adoption such measures, resolutions, and ordinances as he deems necessary. (Ord. 80-11 §4(e), 1980)

2.08.100 City council--Meeting attendance. It is the duty of the city manager to attend all meetings of the city council unless he is excused therefrom by the mayor individually, or by the city council. (Ord. 80-11 §4(f), 1980)

2.08.110 Finance officer duties. The city manager is the finance officer of the city, and it is his duty to, and he shall have the authority to, control, regulate, and authorize the purchasing and fiscal management activities of the city, within and in accord with the limitations prescribed by the general laws of the state and as allocated pursuant to the adopted city budget, and he shall keep the city council at all times fully advised of the financial conditions and needs of the city; and, at the end of each fiscal year, he shall cause to be presented a complete report to the city council on the financial status and fiscal activities of the city. (Ord. 80-11 §4(g), 1980)

2.08.120 Budget preparation. It is the duty of the city manager to prepare and submit the proposed annual budget and the proposed annual salary plan to the city council for its approval. (Ord. 80-11 §4(h), 1980)

2.08.130 Purchasing control. It is the duty of the city manager to see that no expenditures are submitted or recommended to the city council, except on approval of the city manager or his authorized representative. The city manager or his authorized representative shall be responsible for the purchase of all supplies for all the departments or divisions of the city; further, it is the duty of the city manager to establish a centralized purchasing system for all city offices, departments, and agencies. (Ord. 80-11 §4(i), 1980)

2.08.140 Complaint investigation. It is the duty of the city manager to make investigations into the affairs of the city and any department or division thereof, and any contract or the proper performance of any obligations of the city; further, it is the duty of the city manager to investigate all complaints in relation to matters concerning the administration of the city government and in regard to the service maintained by public utilities in the city. (Ord. 80-11 §4(j), 1980)

2.08.150 Public property supervision. It is the duty of the city manager and he shall exercise general supervision over all public buildings, public parks, and all other public property which is under the control and jurisdiction of the city. (Ord. 80-11 §4(k), 1980)

2.08.160 Additional duties. It is the duty of the city manager to perform such other duties and exercise such other powers as may be delegated to him from time to time by ordinance, resolution, or other official action of the city council. (Ord. 80-11 §4(l), 1980)

2.08.170 Participation in council meetings. The city manager shall be provided a seat at the city council table and is entitled to participate in the deliberations of the city council but shall not have a vote. (Ord. 80-11 §5, 1980)

2.08.180 Manager pro tempore. The city manager shall appoint one of the officers or department heads of the city to serve as manager pro tempore during any temporary absence or disability of the city manager. (Ord. 80-11 §6, 1980)

2.08.190 Residency required. Residence in the city at the time of appointment is not required as a condition of employment; however, residence in the city within six months

after acceptance of an appointment to this position shall be encouraged. (Ord. 80-11 §7, 1980)

2.08.200 Eligibility restriction. No member of the city council is eligible for appointment as city manager until two years have elapsed after the council member has ceased to be a member of the city council. (Ord. 80-11 §8, 1980)

2.08.210 Bond required. The city manager and manager pro tempore shall furnish a corporate surety bond to be approved by the city council, and shall be conditioned upon the faithful performance of the duties imposed upon the city manager or manager pro tempore as prescribed in this chapter. Any premium for the bond shall be a proper charge against the city. (Ord. 80-11 §9, 1980)

2.08.220 Compensation. The city manager shall receive such compensation as the city council shall from time to time determine. (Ord. 80-11 §10, 1980)

2.08.230 Internal relations. The city council and its members shall deal with the administrative services of the city only through the city manager, except for the purpose of inquiry, and neither the city council nor any member thereof shall give orders or instructions to any subordinates of the city manager. The city manager shall take his orders and instructions from the city council only when sitting in a duly convened meeting of the city council and no individual councilman shall give any orders or instructions to the city manager. (Ord. 80-11 §11, 1980)

2.08.240 Additional agreements. Nothing in this chapter shall be construed as a limitation on the power or authority of the city council to enter into any supplemental agreement with the city manager delineating additional terms and conditions of employment not inconsistent with any provisions of this chapter. (Ord. 80-11 §12, 1980)

Chapter 2.12

PLANNING COMMISSION

Sections:

- 2.12.010 Established.
- 2.12.020 Eligibility.
- 2.12.030 Term.
- 2.12.040 Removal.
- 2.12.050 Vacancy filling.

Sections: (Continued)

- 2.12.060 Meeting--Generally.
- 2.12.070 Meeting--Special.
- 2.12.080 Voting requirement.
- 2.12.090 Organization.
- 2.12.100 Compensation.
- 2.12.110 Powers and duties.

2.12.010 Established. The city planning commission is established. Except as otherwise provided in Section 2.12.050, the commission shall consist of seven members who shall be appointed by the city council. (Ord. 81-2 §1, 1981: Ord. 73-1 §1, 1973)

2.12.020 Eligibility. To be eligible for appointment or to hold office as a member of the planning commission, a person shall be a resident and qualified elector of the city. (Ord. 73-1 §2, 1973)

2.12.030 Term. Except as provided in this chapter, the members of the planning commission shall serve for a term of two years and until their respective successors are appointed and qualified. The members first appointed to the commission shall so classify themselves by lot that the terms of three of them shall expire on January 1, 1974, and that the terms of the remaining four members shall expire on January 1, 1975. (Ord. 73-1 §3, 1973)

2.12.040 Removal. Members of the planning commission are subject to removal by resolution of the city council adopted by at least four affirmative votes. (Ord. 73-1 §4, 1973)

2.12.050 Vacancy filling. Any vacancies in the commission, arising from whatever cause, shall, subject to the notice requirements of Government Code Section 54974, be filled by appointment by the city council; provided, however, that the council may, by the affirmative vote of a majority of the council, decline to fill any vacancy arising after May 14, 1981, provided only that the number of positions on the commission which are not vacant is not less than five. In deciding which vacancies not to fill, if any, the council shall give consideration to the date of expiration of the term of that position so that the number of new terms commencing on each January 1st which are to be filled shall remain as equal as possible. Upon a vacancy occurring, leaving an unexpired portion of a term, any appointment to fill the vacancy shall be for the unexpired portion of the term. If a member of the commission absents himself from two regular meetings of the commission within a period of twelve calendar months, unless by permission of

the commission expressed in its official minutes, or is convicted of a crime involving moral turpitude, or ceases to be a qualified elector of the city, his or her office shall become vacant and shall be so declared by the city council. (Ord. 81-2 §2, 1981: Ord. 73-1 §5, 1973)

2.12.060 Meeting--Generally. The planning commission shall hold at least one regular meeting in each month. The times and places of regular meetings shall be as established by resolution of the planning commission. (Ord. 73-1 §6, 1973)

2.12.070 Meeting--Special. Whenever a special meeting of the planning commission is called, the secretary shall cause written notice of the meeting to be given to each member of the commission and to each local newspaper of general circulation, radio, or television station requesting notice in writing. The notice must be delivered personally or must be deposited in the United States mail, postage prepaid, at least twenty-four hours before the time of the meeting as specified in the notice. The notice and order shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at the meeting by the commission. Written notice to each member of the commission may be dispensed with as to any member of the commission who at or prior to the time the meeting convenes files with the secretary of the commission a written waiver of notice. The waiver may be given by telegram. The written notice may also be dispensed with as to any member of the commission who is actually present at the meeting at the time it convenes. (Ord. 73-1 §7, 1973)

2.12.080 Voting requirement. The affirmative or negative vote of a majority of the entire membership of the commission is necessary for it to take action. (Ord. 73-1 §8, 1973)

2.12.090 Organization. Immediately following their appointment and thereafter as soon as practicable following the first day of January of each year, the planning commission shall meet, organize, and elect one of its members to serve as the presiding officer, to be known as chairman, to serve at the pleasure of the commission. It shall also elect a vice-chairman from its membership, and a secretary, who need not be a member of the commission, both to serve at the pleasure of the commission. In addition, the commission shall immediately adopt, and later may change or alter, rules and regulations of organization and procedure consistent with the city ordinances and state laws. The commissions shall keep written records of its proceedings which shall be open at all times to public inspection. The

commission shall also file an annual report with the mayor and city council, setting forth its transactions and recommendations. (Ord. 73-1 §9, 1973)

2.12.100 Compensation. The members of the planning commission may receive compensation for their attendance at meetings of the commission as may from time to time be fixed by the city council by resolution, together with reimbursement for necessary traveling and other expenses incurred by the performance of their official duties. (Ord. 74-7 §1, 1974: Ord. 73-1 §10, 1973)

2.12.110 Powers and duties. The planning commission shall have the power and duty to:

A. Perform all of the functions assigned to a city planning commission by the Conservation and Planning Act and other statutes of the state relating to planning and zoning;

B. Prepare and recommend to the city council, after a public hearing thereon, the adoption, amendment, or repeal of a general plan or any part thereof for the physical development of the city, the plan to include a land-use element, a circulation element, a housing element, a conservation element, an open-space element, a seismic safety element, a noise element, a scenic highway element, a safety element, and a recreation element, and such other plan or plans as it or the city council may deem appropriate;

C. Advise with and recommend to the proper officials of the city the approval or disapproval or modification of all maps or plats of land subdivision in accordance with the Subdivision Map Act of the state or as may be provided by city ordinance;

D. Hold hearings on planning and zoning matters as prescribed in the State Conservation and Planning Act or by city ordinance;

E. Advise with and recommend to the proper officials of the city regarding the acquisition, use, or disposition of all city-owned property;

F. Perform such other duties relating to planning and zoning as the council may require by ordinance or resolution. (Ord. 73-1 §11, 1973)

Chapter 2.16

PEACE OFFICER STANDARDS AND TRAINING

Sections:

2.16.010 Purpose.

2.16.020 Compliance with standards.

2.16.010 Purpose. The city declares that it desires to qualify to receive aid from the state under the provisions of Chapter 1 of Title 4, Part 4 of the California Penal Code. (Ord. 73-6 §1, 1973)

2.16.020 Compliance with standards. Pursuant to Section 13522 of the Penal Code, the city will adhere to the standards for recruitment and training established by the California Commission on Peace Officer Standards and Training. (Ord. 73-6 §2, 1973)

Chapter 2.20

EMERGENCY SERVICES

Sections:

- 2.20.010 Purpose.
- 2.20.020 Definitions.
- 2.20.030 Disaster council--Membership.
- 2.20.040 Disaster council--Powers and duties.
- 2.20.050 Director and assistant director--Office created.
- 2.20.060 Director and assistant director--Powers and duties.
- 2.20.070 Organization.
- 2.20.080 Plan.
- 2.20.090 Expenditures.

2.20.010 Purpose. The declared purposes of this chapter are to provide for the preparation and carrying out of plans for the protection of persons and property within this city in the event of an emergency, the direction of the emergency organization, and the coordination of the emergency functions of this city with all other public agencies, corporations, organizations, and affected private persons. (Ord. 73-4 §1, 1973)

2.20.020 Definitions. As used in this chapter:
A. "Local emergency" means the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of this city caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, drought, sudden and severe energy shortage, or earthquake of other conditions, other than conditions resulting from a labor controversy, which conditions are or are likely to be beyond the control of the services, personnel, equipment, and facilities of this city and require the combined forces of

other political subdivisions to combat, or with respect to regulated energy utilities, a sudden and severe energy shortage which requires extraordinary measures beyond the authority vested in the California Public Utilities Commission.

B. "State of emergency" means the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the city caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, drought, sudden and severe energy shortage, or earthquake or other conditions, other than conditions resulting from a labor controversy which conditions, by reason of their magnitude, are or are likely to be beyond the control of the services, personnel, equipment, and facilities of this city and require the combined forces of other political subdivisions to combat, or with respect to regulated energy utilities, a sudden and severe energy shortage which requires extraordinary measures beyond the authority vested in the California Public Utilities Commission. (Ord. 82-3 §1, 1982: Ord. 73-4 §2, 1973)

2.20.030 Disaster council--Membership. The city disaster council is created and consists of the following:

A. The mayor, who is chairman;

B. The assistant director of emergency services, who is vice-chairman;

C. Such chiefs of emergency services as are provided for in the current emergency plan of the city adopted pursuant to this chapter;

D. Such representatives of civic, business, labor, veterans, professional, or other organizations having an official emergency responsibility as may be appointed by the director with the advice and consent of the city council. (Ord. 73-4 §3, 1973)

2.20.040 Disaster council--Powers and duties. It is the duty of the city disaster council, and it is empowered, to develop and recommend for adoption by the city council emergency and mutual aid plans and agreements and such ordinances and resolutions and rules and regulations as are necessary to implement such plans and agreements. The disaster council shall meet upon call of the chairman or, in his absence from the city or inability to call such meeting, upon call of the vice-chairman. (Ord. 73-4 §4, 1973)

2.20.050 Director and assistant director--Office created. A. There is created the office of director of emergency services. The mayor shall be the director of emergency services.

B. There is created the office of assistant director of emergency services who shall be appointed by the director. (Ord. 73-4 §5, 1973)

2.20.060 Director and assistant director--Powers and duties. A. The director is empowered to:

1. Request the city council to proclaim the existence or threatened existence of a "local emergency" if the city council is in session or to issue the proclamation if the city council is not in session. Whenever a local emergency is proclaimed by the director, the city council shall take action to ratify the proclamation within seven days thereafter or the proclamation shall have no further force or effect;
2. Request the Governor to proclaim a "state of emergency" when, in the opinion of the director, the locally available resources are inadequate to cope with the emergency;
3. Control and direct the effort of the emergency organization of the city for the accomplishment of the purposes of this chapter;
4. Direct cooperation between and coordination of services and staff of the emergency organization of the city and resolve questions of authority and responsibility that may arise from them;
5. Represent the city in all dealings with public or private agencies on matters pertaining to emergencies as defined in this chapter;
6. In the event of the proclamation of a "local emergency" as provided in this chapter, the proclamation of a "state of emergency" by the Governor or Director of the State Office of Emergency Services, or the existence of a "State of war emergency," the director is empowered to:
 - a. Make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; provided, however, that such rules and regulations must be confirmed at the earliest practicable time by the city council,
 - b. Obtain vital supplies, equipment, and such other properties found lacking and needed for the protection of life and property and to bind the city for the fair value thereof and, if required immediately, to commandeer the same for public use,
 - c. Require emergency services of any city officer or employee and, in the event of the proclamation of a "state of emergency" in the county in which this city is located or the existence of a "state of war emergency," to command the aid of as many citizens of this community as he deems necessary in the execution of his duties; such persons shall be entitled to all privileges, benefits, and immunities as are provided by state law for registered disaster service workers,
 - d. Requisition necessary personnel or material of any city department or agency, and
 - e. Execute all of his ordinary power as mayor, all of the special powers conferred upon him by this chapter

or by resolution or emergency plan pursuant to this chapter adopted by the city council, all powers conferred upon him by any statute, by any agreement approved by the city council, and by any other lawful authority.

B. The director of emergency services shall designate the order of succession to that office to take effect in the event the director is unavailable to attend meetings and otherwise perform his duties during an emergency. The order of succession shall be approved by the city council.

C. The assistant director shall, under the supervision of the director and with the assistance of the emergency services chiefs, develop emergency plans and manage the emergency programs of the city and shall have such other powers and duties as may be assigned by the director. (Ord. 73-4 §6, 1973)

2.20.070 Organization. All officers and employees of the city, together with those volunteer forces enrolled to aid them during an emergency, and all groups, organizations, and persons who may, by agreement or operation of law, including persons impressed into service under the provisions of Section 2.28.060, be charged with duties incident to the protection of life and property in the city during an emergency, constitute the emergency organization of the city. (Ord. 73-4 §7, 1973)

2.20.080 Plan. The city disaster council is responsible for the development of the city disaster plan, which provides for the effective mobilization of all of the resources of the city, both public and private, to meet any condition constituting a local emergency, state of emergency, or state of war emergency, and provides for the organization, powers and duties, services, and staff of the emergency organization. The plan shall take effect upon adoption by resolution of the city council. (Ord. 73-4 §8, 1973)

2.20.090 Expenditures. Any expenditures made in connection with emergency activities, including mutual aid activities, are for the direct protection and benefit of the inhabitants and property of the city. (Ord. 73-4 §9, 1973)

Chapter 2.24

SALARIES

Sections:

2.24.010 City council.

2.24.010 City council. Pursuant to the provisions of Section 36516 of the Government Code of the state, it is established that the salary to be received by each member of the city council is one hundred twenty-five dollars per month. (Ord. 81-8 §1, 1981)

Chapter 2.28

PERSONNEL MERIT SYSTEM

Sections:

- 2.28.010 Establishment.
- 2.28.020 Applicability of provisions.
- 2.28.030 Eligibility.
- 2.28.040 Classification plan.

2.28.010 Establishment. The city manager shall formulate and recommend to the city council for its approval and for adoption rules and regulations and amendments thereto pertaining to the operation of a merit system personnel management program. Such rules and regulations shall provide for and govern the selection, employment, classification, advancement, suspension, discharge, and retirement of appointive officers and employees of the city, and all matters pertaining to the status of employees and conditions of their employment. Such rules and regulations and amendments thereto may be adopted by the city council from time to time by resolution. (Ord. 78-13 §2, 1978)

2.28.020 Applicability of provisions. The provisions of the merit system established by this chapter and rules and regulations adopted pursuant to this chapter apply to all positions and employment in the municipal service except:

- A. Elective officers;
- B. City attorney;
- C. City engineer;
- D. Members of appointee boards, commissions, and committees;
- E. Persons engaged under contract to supply expert professional technical service. (Ord. 78-13 §3, 1978)

2.28.030 Eligibility. Minimum or maximum age limits for any municipal employment examination shall not be established, and age shall not be a minimum qualification for any city employment as a police officer. Any person possessing all the minimum qualifications for the position is eligible to take any municipal service examination,

regardless of age, and the city council, the city administrator, and any other appointing power shall not adopt any rule prohibiting the employment of any person, otherwise qualified, in the city employment solely because of age; provided, however, that the city council may fix minimum or maximum age limits for the employment of police officers. This section does not require or authorize the city to employ any person in a particular city employment if he has attained the retirement age for that particular employment prescribed by the city's employees' retirement system, and a person shall not be employed in city employment while he is receiving a retirement allowance under the city's employees' retirement system by reason of prior service with the city. (Ord. 78-13 §4, 1978)

2.28.040 Classification plan. All positions of the municipal service shall be classified within a position system which is maintained and operated by the city manager. (Ord. 78-13 §5, 1978)

Chapter 2.32

PUBLIC EMPLOYEES' RETIREMENT SYSTEM

Sections:

2.23.010 Contract--Authorized.

2.32.020 Contract--Execution.

2.23.010 Contract--Authorized. A contract between the city and the Board of Administration, California Public Employees' Retirement System is authorized. The contract* is adopted by reference and made a part of this chapter as though set out in full herein. (Ord. 74-2 §1, 1974)

2.32.020 Contract--Execution. The mayor is authorized, empowered, and directed to execute the contract for and on behalf of the city. (Ord. 74-2 §2, 1974)

* Editor's note: Copies of the contract are on file in the office of the city clerk.

Title 3REVENUE AND FINANCEChapters:

<u>3.04</u>	<u>Special Gas Tax Street Improvement Fund</u>
<u>3.08</u>	<u>Surplus Property Sale</u>
<u>3.12</u>	<u>Unclaimed Property</u>
<u>3.16</u>	<u>Real Property Transfer Tax</u>
<u>3.20</u>	<u>Sales and Use Tax</u>

Chapter 3.04SPECIAL GAS TAX STREET IMPROVEMENT FUNDSections:

- 3.04.010 Created.
- 3.04.020 Deposits.
- 3.04.030 Expenditures.

3.04.010 Created. Pursuant to the provisions of Section 2113 of the California Streets and Highways Code, there is created and established in the city treasury a special fund to be known as the special gas tax street improvement fund. (Ord. 72-4 §1, 1972)

3.04.020 Deposits. All moneys received by the city from the state under the provisions of the Streets and Highways Code for the acquisition of rights-of-way, construction, maintenance, or improvement of streets or highways by the city, and for engineering costs and administrative expenses in respect to city streets, shall be deposited in the special gas tax street improvement fund. (Ord. 72-4 §2, 1972)

3.04.030 Expenditures. All moneys in the fund shall be expended exclusively for the purposes authorized by, and subject to, the provisions of Chapter 3, Division 3, and Section 186.3, of the Streets and Highways Code. (Ord. 72-4 §3, 1972)

Chapter 3.08

SURPLUS PROPERTY SALE

Sections:

- 3.08.010 Declaration required.
- 3.08.020 Scrap metal.
- 3.08.030 Auction--Date.
- 3.08.040 Auction--Notice.

3.08.010 Declaration required. Property belonging to the city, of whatever kind, shall be sold only after having been declared by resolution of the city council to be surplus property of the city. (Ord. 78-6 §1, 1978)

3.08.020 Scrap metal. Scrap metal, when declared to be surplus property, may be sold at any time by the city manager or, if there is none, by the director of public works or other official designated by the city council, to any reputable junk dealer who regularly buys scrap metal. (Ord. 78-6 §2, 1978)

3.08.030 Auction--Date. Except when otherwise authorized by resolution of the city council, all other property declared to be surplus property shall be sold at public auction. For this purpose, an auction shall be conducted on the third Saturday in July of every year, commencing at two p.m. (Ord. 78-6 §3, 1978)

3.08.040 Auction--Notice. Notice of the auction sale, including the date, time and place, and including a description of the principal articles to be sold, shall be given as follows:

A. By publication at least two times in the Modesto Bee and in the Turlock Journal, with the first publication being at least ten days prior to the date of sale;

B. By posting in at least three public places within the city at least ten days prior to the date of sale. (Ord. 78-6 §4, 1978)

Chapter 3.12

UNCLAIMED PROPERTY

Sections:

- 3.12.010 Applicability of state statutes.
- 3.12.020 Unclaimed property defined.

Sections: (Continued)

- 3.12.030 Disposition--More than twenty-five dollars.
- 3.12.040 Disposition--Less than twenty-five dollars.
- 3.12.050 Holding period.
- 3.12.060 Sale.
- 3.12.070 Exemptions.

3.12.010 Applicability of state statutes. The city elects to be governed by the provisions of Article 1, Chapter 4, Title VI (Section 2080 et seq.) of the California Civil Code, except to the extent those provisions are inconsistent with this chapter. (Ord. 75-1 §2, 1975)

3.12.020 Unclaimed property defined. Within the meaning of this chapter, "unclaimed property" means all personal property coming into the possession of the police department of the city which, in the opinion of the police chief, need not be preserved as evidence to be used in connection with the investigation or prosecution of crime, the owner or owners of which property are unknown or cannot be located after appropriate or reasonable inquiry and to which no valid claim of ownership is made. (Ord. 75-1 §3, 1975)

3.12.030 Disposition--More than twenty-five dollars. If the reported value of the property is twenty-five dollars or more, and no owner appears and proves his ownership of the property within four months, the police department shall cause notice of the property to be published at least once in a newspaper of general circulation published in the county of Stanislaus. If, after seven days following the first publication of the notice, no owner appears and proves his ownership of the property and the person who found or saved the property pays the cost of the publication, the title shall vest in the person who found or saved the property unless the property was found in the course of employment by an employee of any public agency in which case the property shall be sold at public auction, except as otherwise provided in this chapter. Title to the property shall not vest in the person who found or saved the property or in the successful bidder at the public auction unless the cost of publication is first paid to the city. (Ord. 75-1 §4(a), 1975)

3.12.040 Disposition--Less than twenty-five dollars. If the reported value of the property is less than twenty-five dollars and no owner appears and proves his ownership of the property within four months, the title shall vest in the person who found or saved the property, unless the property was found in the course of employment by an employee of any public agency, in which case the property

shall be sold at public auction, except as otherwise provided in this chapter. (Ord. 75-1 §4(b), 1975)

3.12.050 Holding period. All unclaimed property, as defined in this chapter, shall be held by the police department for a period of at least four months. If the owner appears within that period of time, proves his ownership, and pays all reasonable charges, the police department shall restore the property to him. (Ord. 75-1 §5, 1975)

3.12.060 Sale. Whenever any unclaimed property remains unclaimed in the possession of the police department for a period of at least four months, such property shall be transferred to the city purchasing department for sale to the public at public auction. Property sold at public auction shall be sold to the highest bidder, with notice of the sale to be given by the purchasing department at least five days before the time fixed therefor by publication once in a newspaper of general circulation published in the county of Stanislaus. Upon transfer of the property to the purchasing department, as provided in this section, it shall no longer be redeemable by the owner or person entitled to possession. The foregoing to the contrary notwithstanding, in the event the purchasing department determines that any property transferred to it for sale is needed for a public use, the property may be retained by the city and need not be sold. (Ord. 75-1 §6, 1975)

3.12.070 Exemptions. The provisions of this chapter shall not be construed as repealing any ordinance of the city relating to the impounding of dogs or other animals, nor as preventing the city from resorting to the laws of the state relating to stray animals, nor as preventing the police department or any other department of the city from destroying or otherwise disposing of any personal property having no sale value, either summarily or after such notice as the city deems reasonable under the circumstances. Anything in this chapter to the contrary notwithstanding, this chapter shall not apply to livestock, other living creatures, or articles of a perishable nature, nor to property or money subject to confiscation under the laws of the state of California or of the United States of America. (Ord. 75-1 §7, 1975)

Chapter 3.16REAL PROPERTY TRANSFER TAXSections:

- 3.16.010 Imposed.
- 3.16.020 Payment.
- 3.16.030 Applicability of provisions.
- 3.16.040 Exemptions--Public agencies.
- 3.16.050 Exemptions--Reorganization.
- 3.16.060 Exemptions--Securities and Exchange Commission orders.
- 3.16.070 Exemptions--Transfer of interest.
- 3.16.080 Exemptions--Foreclosure or interspousal transfer.
- 3.16.090 Administration.
- 3.16.100 Refund claim.

3.16.010 Imposed. There is imposed on each deed, instrument, or writing by which any lands, tenements, or other realty sold within the city is granted, assigned, transferred, or otherwise conveyed to, or vested in, the purchaser or purchasers, or any other person or persons, by his or their direction, when the consideration of value of the interest or property conveyed (exclusive of the value of any lien or encumbrances remaining thereon at the time of sale) exceeds one hundred dollars, a tax at the rate of twenty-seven and one-half cents for each five hundred dollars or fractional part thereof. (Ord. 72-5 §1, 1972)

3.16.020 Payment. Any tax imposed pursuant to Section 3.16.010 shall be paid by any person who makes, signs, or issues any document or instrument subject to the tax or for whose use or benefit the same is made, signed, or issued. (Ord. 72-5 §2, 1972)

3.16.030 Applicability of provisions. Any tax imposed pursuant to this chapter does not apply to any instrument in writing given to secure a debt. (Ord. 72-5 §3, 1972)

3.16.040 Exemptions--Public agencies. The United States or any agency or instrumentality thereof, any state or territory, or political subdivision thereof, or the District of Columbia, is not liable for any tax imposed pursuant to this chapter with respect to any deed, instrument, or writing to which it is a party, but the tax may be collected by assessment from any other party liable therefor. The foregoing to the contrary notwithstanding, any deed, instrument, or writing to which the United States or any agency or instrumentality thereof, any state or

territory, or political subdivision thereof, is a party is exempt from any tax imposed pursuant to this chapter when the exempt agency is acquiring title. (Ord. 72-5 §4, 1972)

3.16.050 Exemptions--Reorganization. A. Any tax imposed pursuant to this chapter does not apply to the making, delivering, or filing of conveyances to make effective any plan of reorganization or adjustment:

1. Confirmed under the Federal Bankruptcy Act, as amended;

2. Approved in an equity receivership proceeding in a court involving a railroad corporation, as defined in subdivision (m) of Section 205 of Title 11 of the United States Code, as amended;

3. Approved in an equity receivership proceeding in a court involving a corporation, as defined in subdivision (3) of Section 506 of Title 11 of the United States Code, as amended;

4. Whereby a mere change in identity, form, or place of organization is effected.

B. Subsection A of this section only applies if the making, delivering, or filing of instruments of transfer or conveyances occurs within five years from the date of the confirmation, approval, or change. (Ord. 72-5 §5, 1972)

3.16.060 Exemptions--Securities and Exchange Commission orders. Any tax imposed pursuant to this chapter does not apply to the making or delivery of conveyances to make effective any order of the Securities and Exchange Commission, as defined in subdivision (a) of Section 1083 of the Internal Revenue Code of 1954; but only if:

A. The order of the Securities and Exchange Commission in obedience to which the conveyance is made recites that the conveyance is necessary or appropriate to effectuate the provisions of Section 79k of Title 15 of the United States Code relating to the Public Utility Holding Company Act of 1935;

B. Such order specifies the property which is ordered to be conveyed;

C. Such conveyance is made in obedience to such order. (Ord. 72-5 §6, 1972)

3.16.070 Exemptions--Transfer of interest. A. In the case of any realty held by a partnership, no levy shall be imposed pursuant to this chapter by reason of any transfer of an interest in a partnership or otherwise, if:

1. Such partnership (or another partnership) is considering a continuing partnership within the meaning of Section 708 of the Internal Revenue Code of 1954; and

2. Such continuing partnership continues to hold the realty concerned.

B. If there is a termination of any partnership within the meaning of Section 708 of the Internal Revenue Code of 1954, for purposes of this chapter the partnership shall be treated as having executed an instrument whereby there was conveyed, for fair market value (exclusive of the value of any lien or encumbrance remaining thereon), all realty held by the partnership at the time of termination.

C. Not more than one tax shall be imposed pursuant to this chapter by reason of a termination described in subsection B of this section, and any transfer pursuant thereto with respect to the realty held by the partnership at the time of the termination. (Ord. 72-7 §7, 1972)

3.16.080 Exemptions--Foreclosure or interspousal transfer. A. Any tax imposed pursuant to this chapter does not apply with respect to any deed, instrument, or writing to a beneficiary or mortgagee, which is taken from the mortgagor or trustor as a result or in lieu of foreclosure; provided, that the tax does apply to the extent that the consideration exceeds the unpaid debt, including accrued interest and cost of foreclosure. Consideration, unpaid debt amount and identification of grantee as beneficiary or mortgagee shall be noted on the deed, instrument, or writing or stated in an affidavit or declaration under penalty of perjury for tax purposes.

B. Any tax imposed pursuant to this chapter does not apply with respect to any deed, instrument, or other writing which purports to transfer, divide, or allocate community, quasi-community, or quasi-marital property assets between spouses for the purpose of effecting a division of community, quasi-community, or quasi-marital property which is required by a judgment decreeing a dissolution of the marriage or legal separation, by judgment of nullity, or by any other judgment or order rendered pursuant to Part 5 (commencing with Section 4000) of Division 4 of the Civil Code, or by a written agreement between the spouses, executed in contemplation of any such judgment or order, whether or not the written agreement is incorporated as part of any of those judgments or orders. In order to qualify for the exemption provided in this section, the deed, instrument, or other writing shall include a written recital, signed by either spouse, stating that the deed, instrument, or other writing is entitled to that exemption. (Ord. 82-2 §2, 1982: Ord. 72-5 §8, 1972)

3.16.090 Administration. The county recorder shall administer this chapter in conformity with the provisions of Part 6.7 of Division 2 of the Revenue and Taxation Code and the provisions of any county ordinance adopted pursuant thereto. (Ord. 72-5 §9, 1972)

3.16.100 Refund claim. Claims for a refund of taxes imposed pursuant to this chapter shall be governed by the provisions of Chapter 5 (commencing with Section 5096) of Part 9 of Division 1 of the Revenue and Taxation Code of the state of California. (Ord. 72-5 §10, 1972)

Chapter 3.20

SALES AND USE TAX

Sections:

- 3.20.010 Title.
- 3.20.020 Rate.
- 3.20.030 Purpose of provisions.
- 3.20.040 Contract.
- 3.20.050 Sales tax imposed.
- 3.20.060 Place of sale designated.
- 3.20.070 Use tax imposed.
- 3.20.080 State statutes--Adopted.
- 3.20.090 State statutes--Limitation.
- 3.20.100 Permit requirements.
- 3.20.110 Exemptions--General.
- 3.20.120 Exemptions--Additional.
- 3.20.130 Amendment adoption.
- 3.20.140 Enjoining collection prohibited.
- 3.20.150 Penalties.

3.20.010 Title. The ordinance codified in this chapter is known as the "uniform local sales and use tax ordinance." (Ord. 73-12 §1, 1973)

3.20.020 Rate. The rate of sales tax and use tax imposed by this chapter is one percent. (Ord. 82-6 §3, 1982; Ord. 73-12 §2, 1973)

3.20.030 Purpose of provisions. The city council declares that this chapter is adopted to achieve the following, among other, purposes, and directs that the provisions of this chapter be interpreted in order to accomplish those purposes:

A. To adopt a sales and use tax which complies with the requirements and limitations contained in Part 1.5 of Division 2 of the Revenue and Taxation Code;

B. To adopt a sales and use tax which incorporates provisions identical to those of the Sales and Use Tax Law of the state insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.5 of Division 2 of the Revenue and Taxation Code;

C. To adopt a sales and use tax which imposes a tax and provides a measure therefor that can be administered and

collected by the State Board of Equalization in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the State Board of Equalization in administering and collecting the California State Sales and Use Tax;

D. To adopt a sales and use tax which can be administered in a manner that will, to the degree possible consistent with the provisions of Part 1.5 of Division 2 of the Revenue and Taxation Code, minimize the burden of record-keeping upon persons subject to taxation under the provisions of this chapter. (Ord. 73-12 §4, 1973)

3.20.040 Contract. The city shall contract with the State Board of Equalization to perform all functions incident to the administration and operation of this chapter; provided, that if the city has not contracted with the State Board of Equalization prior to the operative date of the ordinance codified in this chapter, it shall nevertheless so contract and in such case the operative date shall be the first day of the first calendar quarter following the execution of such a contract rather than the first day of the first calendar quarter following the adoption of the ordinance codified in this chapter. (Ord. 73-12 §5, 1973)

3.20.050 Sales tax imposed. For the privilege of selling tangible personal property at retail, a tax is imposed upon all retailers in the city at the rate stated in Section 3.20.020 of the gross receipts of the retailer from the sale of all tangible personal property sold at retail in the city. (Ord. 73-12 §6, 1973)

3.20.060 Place of sale designated. For the purposes of this chapter, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the state or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under the rules and regulations prescribed and adopted by the State Board of Equalization. (Ord. 73-12 §7, 1973)

3.20.070 Use tax imposed. An excise tax is imposed in the storage, use, or other consumption in the city of tangible personal property purchased from any retailer at

the rate stated in Section 3.20.020 of the sales price of the property. The sales price includes delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made. (Ord. 73-12 §8, 1973)

3.20.080 State statutes--Adopted. Except as otherwise provided in this chapter and except insofar as they are inconsistent with the provisions of Part 1.5 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 of Division 2 of the Revenue and Taxation Code are adopted and made a part of this chapter as though fully set forth herein. (Ord. 73-12 §9, 1973)

3.20.090 State statutes--Limitation. In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, wherever the state is named or referred to as the taxing agency, the name of the city shall be substituted. The substitution, however, shall not be made when the word state is used as part of the title of the State Controller, State Treasurer, the State Board of Control, the State Board of Equalization, the State Treasury, of the Constitution of the state; the substitution shall not be made when the result of that substitution would require action to be taken by or against the city or any agency thereof rather than by or against the State Board of Equalization, in performing the functions incident to the administration or operation of this chapter; the substitution shall not be made in those sections, including, but not necessarily limited to, sections referring to the exterior boundaries of the state, where the result of the substitution would be to provide an exemption from this tax with respect to certain sales, storage, use, or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sale, storage, use, or other consumption remain subject to tax by the state under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or to impose this tax with respect to certain sales, storage, use, or other consumption of tangible personal property which would not be subject to tax by the state under the provisions of the Revenue and Taxation Code; the substitution shall not be made in Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797, or 6828 of the Revenue and Taxation Code; and the substitution shall not be made for the word state in the phrase "retailer engaged in business in this State" in Section 6203 or in the definition of that phrase in Section 6203. (Ord. 73-12 §10, 1973)

3.20.100 Permit requirements. If a seller's permit has been issued to a retailer under Section 6067 of the Revenue and Taxation Code, an additional seller's permit is not required by this chapter. (Ord. 73-12 §11, 1973)

3.20.110 Exemptions--General. A. The amount subject to tax shall not include any sales or use tax imposed by the state upon a retailer or consumer.

B. The storage, use, or other consumption of tangible personal property, the gross receipts from the sale of which have been subject to tax under a sales and use tax ordinance enacted in accordance with Part 1.5 of Division 2 of the Revenue and Taxation Code by any city and county, county, or city, in this state shall be exempt from the tax due under this chapter.

C. There are exempted from the computation of the amount of the sales tax the gross receipts from the sale of tangible personal property to operators of aircraft to be used or consumed principally outside the city in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this state, the United States, or any foreign government.

D. In addition to the exemptions provided in Sections 6366 and 6366.1 of the Revenue and Taxation Code the storage, use, or other consumption of tangible personal property purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this state, the United States, or any foreign government is exempted from the use tax.

E. The storage or use of tangible personal property in the transportation or transmission of persons, property, or communications, or in the generation, transmission, or distribution of electricity or in the manufacture, transmission, or distribution of gas in intrastate, interstate, or foreign commerce by public utilities which are regulated by the Public Utilities Commission of the state. (Ord. 87-02 §1, 1987: Ord. 73-12 §12, 1973)

3.20.120 Exemptions--Additional. A. There are exempted from the computation of the amount of the sales tax the gross receipts from the sale of tangible personal property to operators of waterborne vessels to be used or consumed principally outside the city in which the sale is made and directly and exclusively in the carriage of persons or property in such vessels for commercial purposes.

B. The storage, use, or other consumption of tangible personal property purchased by operators of waterborne vessels and used or consumed by such operators directly and exclusively in the carriage of persons or property of such vessels for commercial purposes is exempted from use tax. (Ord. 87-02 §2, 1987: Ord. 83-07 §2, 1983: Ord. 73-12 §13, 1973)

3.20.130 Amendment adoption. All subsequent amendments of the Revenue and Taxation Code which relate to the sales and use tax and which are not inconsistent with Part 1.5 of Division 2 of the Revenue and Taxation Code shall automatically become a part of this chapter. (Ord. 73-12 §15, 1973)

3.20.140 Enjoining collection prohibited. No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action, or proceeding in any court against the state or the city, or against any officer of the state or the city, to prevent or enjoin the collection under this chapter or Part 1.5 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected. (Ord. 73-12 §16, 1973)

3.20.150 Penalties. Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than five hundred dollars or by imprisonment for a period of not more than six months, or by both such fine and imprisonment. (Ord. 87-02 §3, 1987)

Title 4
(RESERVED)

Title 5BUSINESS TAXES, LICENSES, AND REGULATIONSChapters:

- 5.04 Business Licenses
- 5.08 Community Antenna Television System
- 5.12 Poolhalls and Billiard Parlors

Chapter 5.04BUSINESS LICENSESSections:

- 5.04.010 Definitions.
- 5.04.020 Purpose of provisions.
- 5.04.030 Applicability of provisions.
- 5.04.040 Required.
- 5.04.050 Separate required for each location.
- 5.04.060 Application.
- 5.04.070 Issuance.
- 5.04.080 Approval.
- 5.04.090 Fee payment required.
- 5.04.100 Tax.
- 5.04.110 Fee--Exemption.
- 5.04.120 Fee--Debt to city.
- 5.04.130 Fee--Notice not required.
- 5.04.140 Form and content.
- 5.04.150 Transferability.
- 5.04.160 Display required.
- 5.04.170 Revocation.
- 5.04.180 Operation without license prohibited.
- 5.04.190 Unlawful businesses prohibited.
- 5.04.200 Enforcement.

5.04.010 Definitions. For the purposes of this chapter, the following words and phrases have the meaning respectively ascribed to them by this section:

A. "Business" includes professions, trades, and occupations in all and every kind of calling, whether or not carried on for profit. "Business" includes real property rentals, including homes, apartments, flats, stores, mobile home spaces, parts or all of building structures and vacant areas.

B. "City" means the city of Hughson, a municipal corporation of the state of California, in its present

incorporated form or any later reorganized, consolidated, enlarged, or reincorporated form.

C. "Garage sale" means the sale of tangible personal property of personal household or sporting goods nature, and owned by a householder within the city, not including property purchased for resale or the goods and wares of a merchant of any description; such sales must be bona fide sales of property personally owned and used by the seller for personal or household use. Garage sale includes yard sale and patio sale.

D. "Merchants" includes any person selling goods, wares, and merchandise or services of any description within the city, either as a sole business, or in connection with some other business, and any person engaging in business within the city; except, however, peddlers, solicitors, and all other persons whose business is specifically defined in or for whose business a separate and distinct license fee is provided and required under this chapter.

E. "Person" includes all domestic and foreign corporations, associations, syndicates, joint stock corporations, partnerships of every kind, clubs, Massachusetts business or common-law trusts, societies, and individuals transacting and carrying on any business in the city, other than as an employee.

F. "Sale" includes the transfer in any manner or by any means whatsoever of the title to property for a consideration; the serving, supplying, or furnishing for a consideration of any property; and a transaction whereby the possession of property is transferred and the seller retains the title as security for the payment of the price shall likewise be deemed a sale. This definition does not exclude any transaction which in effect results in a sale within the contemplation of law.

G. "Solicitors" and "peddlers" means every person not having a fixed place of business in the city, who travels from place to place or house to house, or temporarily occupies space in any other business establishment within the city, who makes demonstrations of, or solicits, takes orders, or canvasses for the sale of, or sells any goods, wares, merchandise, insurance, subscriptions to periodicals or magazines, or things or articles of value of any nature, kind or description.

H. "Sworn statement" means an affidavit sworn to before a person authorized to take an oath or a declaration or certification made within the state under penalty of perjury. (Ord. 73-7 §1, 1973)

5.04.020 Purpose of provisions. The ordinance codified in this chapter is enacted solely to raise revenue for municipal purposes and is not intended for regulation. (Ord. 73-7 §2, 1973)

5.04.030 Applicability of provisions. Persons required to pay a license tax for transacting and carrying on any business under this chapter shall not be relieved from the payment of any license tax for the privilege of doing such business required under any other ordinance of the city, or any other provision of this code, and shall remain subject to the regulatory provisions of other ordinances and code provisions. (Ord. 73-7 §3, 1973)

5.04.040 Required. It is unlawful for any person to commence, establish, maintain, or carry on any business enterprise whatever in the city without:

A. First obtaining a license from the city, whether the business enterprise or the person is subject to a city license tax under this chapter or not; and

B. Fully complying with any and all other regulations of the business contained in this chapter or other regulatory provisions now existing or hereafter to be adopted by the city. (Ord. 73-7 §4, 1973)

5.04.050 Separate required for each location. A separate license shall be required and obtained for each kind or class of business carried on at one location. However, except as provided in subsection A(9) of Section 5.04.100, if more than one business is carried on or engaged in by a person in one store, office, building, or other enclosed area, only the highest single tax applicable to any of the businesses, as prescribed in Section 5.04.100, shall be required. (Ord. 73-7 §5, 1973)

5.04.060 Application. All applications for a license shall be made to the city clerk on forms furnished by the city clerk and shall state all facts necessary and proper to be known and stated for the issuance of a license, including the kind or character of the business or business enterprise, the location thereof, the full name and residence of the proposed licensee, the period of time the business or business enterprise is intended to be continued, or for which the proposed license is to be issued, and such other facts or information as the clerk may require. All applications for license shall be verified by the applicant. Whenever an application is made for a license which must be approved by the city council before being issued, or whenever an application is made for a license to conduct a business of a temporary nature, the clerk may require the person applying for a license to add his thumb and finger prints to the application therefor. (Ord. 73-7 §6, 1973)

5.04.070 Issuance. On receiving proper application therefor and containing the necessary information, it shall be the duty of the city clerk to issue a license under this chapter to every person paying a license fee or entitled to

such license. The city clerk shall determine the business classification of the applicants; provided, that any person may appeal to the city council from the decision of the city clerk as to the classification, and the council after hearing shall fix and determine the classification and the amount of tax required for such license, and the determination of the council is final. In no case shall any mistake by the city clerk in stating the amount of the license fee prevent the collection of what is actually due, with all costs against any licensee, or against anyone commencing or carrying on any business enterprise within the city, without a license. (Ord. 73-7 §7, 1973)

5.04.080 Approval. Whenever any person desires to engage in any business in the city, enumerated in this section, such person shall petition the city council for a license therefor, which petition shall state the name of the applicant and any other information which the city council may require by resolution. On consideration thereof, the council may authorize the same to be issued in whole or in part or rejected in whole or in part. No license or permit shall be issued for the conduct of any such business, except as ordered by the council. Such businesses are the following: astrology, athletic exhibitions, boxing contests, carnivals, circuses, clairvoyance and similar practices, and fortune-telling. (Ord. 73-7 §8, 1973)

5.04.090 Fee payment required. A. All license fees shall be payable in advance in lawful money of the United States at the office of the city clerk, or at such other place as is from time to time lawfully designated by resolution of the city council.

B. Quarterly Licenses. The quarterly license fees in this chapter shall be due and payable to the city on the first days of January, April, July, and October of each year. Any person liable to pay a quarterly license fee, but who does business for only a portion of the quarterly period, shall nevertheless be required to pay the full quarterly fee. Any person liable to pay a quarterly license may, if he desires and upon making proper application therefor, pay his license fee in advance on either a quarterly, semiannual, or annual basis.

C. Monthly Licenses. The monthly license fees in this chapter shall be due and payable to the city on the first day of each month.

D. Weekly Licenses. The weekly license fees in this chapter are due and payable to the city each Monday.

E. Daily Licenses. The daily license fees in this chapter are due and payable to the city each day. (Ord. 73-7 §9, 1973)

5.04.100 Tax. The amounts or rates of license fees to be paid by persons engaging in or carrying on any business or business enterprise in the city are fixed and determined as follows:

A. For the following businesses:

1. Boxing and wrestling matches, twenty-five dollars per exhibition,
2. Carnivals, circuses, and traveling shows, twenty-five dollars per day,
3. Dances at which admission is charged, twenty-five dollars each,
4. Peddling or soliciting, ten dollars per day,
5. Selling bankrupt, depreciated, or damaged stock or goods, when the same are represented as being sold for less than the usual course of business, two hundred dollars per quarter,
6. Trucks using city streets: every automobile truck using the city streets for the transportation or delivery of goods, wares, and merchandise, except as are exempted from the payment of municipal license fees by state or federal law, and except when such trucks are used in connection with businesses already paying a license fee under this chapter, and except those which are under the highway carriers uniform business license tax pursuant to Section 4306 of the Public Utilities Code, ten dollars per quarter per truck,
7. Garage sales, two dollars and fifty cents each, for a sale not to exceed two consecutive days; second or subsequent sales within any calendar year, twenty-five dollars each,
8. Bars, one hundred dollars per year,
9. Cocktail lounges, eating places, or other establishments selling liquor at which dancing occurs, seventy-five dollars per year, in addition to any other license tax prescribed for such business in this chapter,
10. Mobile groceries, thirty-seven dollars and fifty cents per year;

B. For all contractors and subcontractors, ten dollars per quarter;

C. For any other business owned or operated by a person having no fixed or permanent place of business in the city, seven dollars and fifty cents per quarter;

D. For every merchant and person engaging in business within the city, except those businesses otherwise provided for in this section, five dollars per quarter. (Ord. 73-7 \$10, 1973)

5.04.110 Fee--Exemption. A. No person shall be exempt from the necessity of procuring a license to do business in the city. License fees, however, will not be charged for licenses in the following cases:

1. Disabled war veterans who are exempt by state law from the payment of a license fee;
2. Solicitors, peddlers, and hawkers engaged in interstate commerce and who are by law exempt from payment of a license fee, by virtue of the fact that they are engaged in interstate commerce;
3. Persons transacting and carrying on any business exempt by virtue of the Constitution or applicable statutes of the United States or of any state from the payment to municipal corporations of such license fees or taxes;
4. A person soliciting or taking orders for goods, wares, or merchandise as a bona fide wholesaler for retail merchants in the city;
5. Any public utility which does business within the city pursuant to a franchise granted by the city;
6. Persons conducting dances, concerts, lectures, parties, entertainment, occasional sales, or any other lawful activity where all the receipts are appropriated exclusively to any church, school, religious, benevolent, patriotic, or other public or beneficial purpose of a local character within the city;
7. Persons engaged in the rental of real property; provided, the average monthly gross receipts from all rentals does not exceed one thousand dollars, and also provided that the number of rental units does not exceed ten.

B. In each of the cases in subsection A of this section, the person claiming exemption from license fee shall first present satisfactory evidence to the city clerk that he is entitled to the exemption, which evidence shall include a written statement under oath setting forth such facts and giving such information as the city clerk may require; and provided further, that all such persons shall comply with all the other provisions of this chapter. (Ord. 73-7 §11, 1973)

5.04.120 Fee--Debt to city. The amount of any license fee imposed by this chapter shall be a debt to the city, and any person engaged in any business in the city without having secured the required license from the city to do so or having failed to pay in full the license fees provided in this chapter is liable to legal action in the name of the city in any court of competent jurisdiction for the amount of the license fee plus any court costs incurred by the city. The conviction and punishment of any person for transacting any business without a license shall not excuse or exempt the person from the payment of any unpaid license fees. Nothing in this section shall prevent a criminal prosecution for any violation of the provisions of this chapter. (Ord. 73-7 §12, 1973)

5.04.130 Fee--Notice not required. No personal demands or notices to any persons owing any license fee, or additions for delinquencies under this chapter, shall be necessary in order that such persons incur or be charged with the penalties of this chapter. (Ord. 73-7 §13, 1973)

5.04.140 Form and content. Each license issued under this chapter shall be on forms furnished by the city clerk and shall set forth and contain:

- A. The name of the licensee or of the business licensed;
- B. The address of the licensee and the location of the business licensed;
- C. The period of time covered by the license;
- D. The amount of the license fee if payable for the license; and
- E. Such other information as the city clerk may deem necessary or proper. (Ord. 73-7 §14, 1973)

5.04.150 Transferability. No license granted or issued under any provision of this chapter is transferable or assignable, except in the case of a bona fide sale of the entire business for which the license was issued; and then only in case the sale is reported to the city clerk and the consent of the city clerk to the assignment is obtained. The licensed business shall be carried on only at or from the place specified in the license, unless any change in location is reported to the city clerk and the consent of the city clerk to the change in location is obtained. (Ord. 73-7 §15, 1973)

5.04.160 Display required. Every person having a license under the provisions of this chapter shall produce and exhibit the same when applying for renewal thereof; and whenever requested to do so by any police officer or by any officer authorized to issue or inspect licenses or to collect license fees. (Ord. 73-7 §16, 1973)

5.04.170 Revocation. The city council reserves the right to revoke any license issued under this chapter for good cause shown. No license shall be revoked until after a hearing before the city council, notice of which hearing shall be given to a license holder not less than five days in advance of the date of the hearing, which notice shall either be delivered to the licensee personally or left at his place of business if he conducts business in a fixed, bona fide, and established place in the city, or by mailing the notice to him at the mail address stated on his application. (Ord. 73-7 §17, 1973)

5.04.180 Operation without license prohibited. The conduct or operation by any person of any business enterprise, as defined in this chapter, without having an unrevoked license from the city to do so, fully paid and in effect at the time, or without complying with any and all regulations of such business contained in this chapter, shall be unlawful. (Ord. 73-7 §18, 1973)

5.04.190 Unlawful businesses prohibited. No provision of this chapter shall ever be held or construed as licensing or permitting the establishment or carrying on of any unlawful business, game, or other activity. Every such unlawful business, game, or other activity is prohibited and no license shall be authorized or issued therefor. (Ord. 73-7 §19, 1973)

5.04.200 Enforcement. It is the duty of the city clerk and the chief of police, and of all other lawfully authorized officers or employees of the city, to enforce the provisions of this chapter and to make collections of the license fees imposed. (Ord. 73-7 §20, 1973)

Chapter 5.08

COMMUNITY ANTENNA TELEVISION SYSTEM

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5.08.010 Definitions. For the purposes of this chapter, the following terms, phrases, words, abbreviations, and their derivations have the meaning given in this section. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number.

A. "City" means the city of Hughson, a municipal corporation of the state of California, in its present incorporated form or in any later reorganized, consolidated, enlarged, or reincorporated form.

B. "Community Antenna Television System" or "CATV System" means the system of antennas, cables, microwave facilities, wires, lines, towers, waveguides, or any other conductors, converters, equipment, or facilities designed and constructed for the purpose of receiving, producing, amplifying, and distributing, primarily by microwave, wire, or cable, audio, video, and other forms of electronic or electrical signals or impulses to subscribing members of the public who pay for such service.

C. "Council" means the present governing body of the city or any future board constituting the legislative body of the city.

D. "Franchise" means and includes any authorization granted under this chapter in terms of a franchise, privilege, permit, license, or otherwise to construct, operate, and maintain a CATV system in the city.

E. "Grantee" means the person, firm, or corporation to whom or to which a franchise, as defined in this section, is granted by the council under this chapter, and the lawful successor, transferee, or assignee of the person, firm, or corporation.

F. "Gross annual revenues" means all revenues of a grantee received from the operation of the cable television service from any and all sources within the city. Gross annual revenues do not include any taxes on services furnished by the grantee imposed directly on any subscriber or user by any city, state, or other governmental unit and collected by the grantee for such governmental unit.

G. "Property of the grantee" means all property owned, installed, or used by the grantee in the conduct of a CATV

business in the city under the authority of a franchise granted pursuant to this chapter.

H. "Street" means the surface of and the space above and below any public street, road, highway, freeway, alley, court, sidewalk, parkway, or drive now or hereafter existing as such within the city.

I. "Subscriber" means any person or entity receiving for any purpose the cable television service of a grantee. (Ord. 80-7 §1, 1980)

5.08.020 Franchise--Grant. A nonexclusive franchise to construct, operate, and maintain a cable system within all or any portion of the city may be granted by the council to any person, firm, or corporation who or which offers to furnish and provide such system under and pursuant to the terms and provisions of this chapter. No provision of this chapter shall be deemed or construed to require the granting of a franchise when in the opinion of the council it is in the public interest to restrict the number of grantees to one or more. (Ord. 80-7 §2, 1980)

5.08.030 Franchise--Uses permitted. A. Any franchise granted pursuant to the provisions of this chapter shall authorize and permit the grantee to engage in the business of operating and providing a cable television system in the city, and for that purpose to erect, install, construct, repair, replace, reconstruct, maintain, and retain in, on, over, under, upon, across, and along any public street such poles, wires, cable, conductors, ducts, conduit, vaults, manholes, amplifiers, appliances, attachments, and other property as may be necessary and appurtenant to the cable television system; and, in addition, to use, operate, and provide similar facilities or properties rendered or leased from other persons, firms, or corporations, including, but not limited to, any public utility or other grantee franchised or permitted to do business in the city.

B. The granting of a franchise pursuant to this chapter shall not be construed as permission or authority to enter on, occupy, or otherwise utilize private property without the express consent of the owner or agent in possession thereof. (Ord. 80-7 §3, 1980)

5.08.040 Franchise--Duration. No franchise granted by the council under this chapter shall be for a term longer than fifteen years following the date of acceptance of the franchise by the grantee or the renewal thereof. Any such franchise granted hereunder may be terminated prior to its date of expiration by the council in the event that the council has found, after thirty days' notice of any proposed termination and public hearing that the grantee has failed to comply with any provision of this chapter or has, by act or omission, violated any term or condition of any franchise

or permit issued under this chapter and the grantee has failed to rectify the violation after ninety days' written notice from the city. (Ord. 80-7 §4, 1980)

5.08.050 Franchise--Payments. A. Any grantee granted a franchise under this chapter shall pay to the city, during the term of the franchise, a sum equal to a certain percentage of the gross annual revenues of the grantee. Such a percentage shall be specified in the grantee's franchise and shall not exceed five percent. The payment shall be made by the grantee to the city annually, or as otherwise provided in the grantee's franchise, by the delivery of the same to the city finance director.

B. The grantee shall file with the city finance director, within sixty days after the expiration of any calendar year or portion thereof during which the franchise is in force, a financial statement prepared by the treasurer of the grantee, or person otherwise satisfactory to the council, showing in detail the gross annual revenues, as defined in this chapter, of the grantee during the preceding calendar year or portion thereof. It shall be the duty of the grantee to pay to the city, within fifteen days after the time for filing such statements, the sum prescribed in this section or any unpaid balance thereof for the calendar year or portion thereof covered by such statements.

C. The city shall have the right to inspect the grantee's records showing the gross receipts from which its franchise payments are computed and the right of audit and recomputation of any and all amounts paid under this chapter. No acceptance of any payment shall be construed as a release or as an accord and satisfaction of any claim the city may have for further or additional sums payable under this chapter or for the performance of any other obligation under this chapter. (Ord. 80-7 §5, 1980)

5.08.060 Franchise--Limitations. A. Any franchise granted under this chapter shall be nonexclusive.

B. No privilege or exemption shall be granted or conferred by any franchise granted under this chapter except those specifically prescribed in this chapter.

C. Any privilege claimed under any franchise by the grantee in any street or public property shall be subordinate to any prior lawful occupancy of the streets or other public property.

D. Any such franchise shall be a privilege to be held in personal trust by the original grantee. It cannot in any event be sold, transferred, leased, assigned, or disposed of, in whole or in part, either by forced or involuntary sale, or by voluntary sale, merger, consolidation, or otherwise, without the prior consent of the council expressed by resolution, and then only under such conditions as may be prescribed therein. Any such transfer or assign-

ment shall be made only by an instrument in writing, a duly executed copy of which shall be filed in the office of the city clerk within thirty days after the transfer or assignment. The consent of the council may not be arbitrarily refused; provided, however, the proposed assignee must show financial responsibility and must agree to comply with all provisions of this chapter; and, provided further, that no such consent shall be required for a transfer in trust, mortgage, or other hypothecation as a whole, to secure an indebtedness.

E. Time shall be of the essence of any franchise granted under this chapter. The grantee shall not be relieved of his obligation to comply promptly with any of the provisions of this chapter or by any failure of the city to enforce prompt compliance.

F. Any right or power in, or duty impressed upon, any officer, employee, department, or board of the city shall be subject to transfer by the city to any other officer, employee, department, or board of the city.

G. The grantee shall have no recourse whatsoever against the city for any loss, cost, expense, or damage arising out of any provision or requirement of this chapter or of any franchise issued under this chapter or because of its enforcement.

H. The grantee shall be subject to all provisions, rules, regulations, and conditions prescribed by federal, state, county, and local law heretofore or hereafter enacted or established during the term of any franchise granted under this chapter. Copies of all petitions, applications, and communications submitted by the grantee to the Federal Communications Commission, Securities and Exchange Commission, or any other federal or state regulatory commission or agency having jurisdiction in respect to any matters affecting CATV operations authorized pursuant to the franchise issued under this chapter shall be submitted simultaneously to the city clerk.

I. Any franchise granted shall not relieve the grantee of any obligation involved in obtaining pole space from any department of the city, utility company, or from others maintaining poles in the streets.

J. Any franchise granted under this chapter is in lieu of any and all other rights, privileges, powers, immunities, and authorities owned, possessed, controlled, or exercisable by the grantee or any successor to any interest of the grantee, of or pertaining to the construction, operation, or maintenance of any CATV system in the city; and the acceptance of any franchise under this chapter shall operate as between the grantee and the city as an abandonment of any and all rights, privileges, powers, immunities, and authorities within the city to the effect that, as between the grantee and the city, any and all construction, operation, and maintenance by any grantee of any CATV system in

the city shall be, and shall be deemed and construed in all instances and respects to be, under and pursuant to the franchise and not under or pursuant to any other right, privilege, power, immunity, or authority whatsoever. (Ord. 80-7 §6, 1980)

5.08.070 City authority. A. Neither the granting of any franchise nor any of the provisions of this chapter shall be construed to prevent the city from granting any identical or similar franchise to any other person, firm, or corporation within all or any portion of the city.

B. Neither the granting of any franchise nor any provisions of this chapter shall constitute a waiver or bar to the exercise of any governmental right or power of the city, including the right of the city to acquire the property of the grantee either by purchase or through the exercise of the right of eminent domain, at a fair and just value which shall not include any amount for the franchise itself or for any of the rights or privileges granted. (Ord. 80-7 §7, 1980)

5.08.080 Permits and authorizations required. A. Within sixty days after acceptance of any franchise, the grantee shall proceed with due diligence to obtain all necessary permits and authorizations which are required in the conduct of its business, including, but not limited to, any utility joint use attachment agreements, microwave carrier licenses, and any other permits, licenses, and authorizations to be granted by duly constituted regulatory agencies having jurisdiction over the operation of CATV systems or their associated microwave transmission facilities or any other associated facility.

B. The grantee shall commence construction and installation of the CATV system within ninety days after obtaining all necessary permits, licenses, and authorizations.

C. Within one hundred eighty days after the commencement of construction and installation of the system, the grantee shall proceed to render service to subscribers, and the completion of construction and installation shall be pursued with reasonable diligence thereafter, so that service to all areas designated on the map accompanying the application for franchise, as provided in Section 5.08.240, shall be provided within two years from the date that service was first provided.

D. Failure on the part of the grantee to commence and diligently pursue each of the requirements of this section and to complete each of the matters set forth herein shall be grounds for termination of such franchise, under and pursuant to the terms of Section 5.08.040; provided, however, that the council in its discretion may extend the time for commencement and completion of construction and install-

ation for additional periods in the event the grantee, acting in good faith, experiences delays by reason of circumstances beyond his control. (Ord. 80-7 §8, 1980)

5.08.090 Property--Location approval. A. Any poles, wires, cables, lines, conduits, or other properties of the grantee to be constructed or installed in streets shall be so constructed or installed only at such locations and in such manner as approved by the city engineer acting in the exercise of his reasonable discretion.

B. The grantee shall not install or erect any facilities or apparatus in or on other public property, places, or rights-of-way, or within any privately owned area within the city which has not yet become a public street but is designated or delineated as a proposed public street on any tentative subdivision map approved by the city except those installed or erected upon public utility facilities now existing, without obtaining the prior written approval of the city engineer.

C. In those area and portions of the city where the transmission or distribution facilities of both the public utility providing telephone service and those of the utility providing electric service are underground or hereafter may be placed underground, then the grantee shall likewise construct, operate, and maintain all of its transmission and distribution facilities underground. For the purposes of this subsection, "underground" includes a partial underground system, e.g. streamlining. Amplifiers in the grantee's transmission and distribution lines may be in appropriate housings upon the surface of the ground as approved by the city engineer. The city shall not in any manner be responsible for any costs incurred by the grantee in placing the grantee's facilities underground. (Ord. 80-7 §9, 1980)

5.08.100 Property--Removal and abandonment. A. In the event that the use of any part of the CATV system is discontinued for any reason for a continuous period of twelve months, or in the event the system or property has been installed in any street or public place without complying with the requirements of the grantee's franchise or this chapter, or the franchise has been terminated, cancelled, or expired, the grantee shall promptly, upon being given ten days' notice, remove from the streets or public places all such property and poles of the system other than any which the city engineer may permit to be abandoned in place. In the event of such removal, the grantee shall promptly restore the street or other area from which the property has been removed to a condition satisfactory to the city engineer.

B. Subject to the provisions of subsection A of this section, any property of the grantee remaining in place sixty days after the termination or expiration of the franchise shall be considered permanently abandoned. The city engineer may extend the time not to exceed an additional thirty days.

C. Any property of the grantee to be abandoned in place shall be abandoned in such a manner as the city administrator prescribes, subject to the provision of any utility joint use attachment agreement. Upon permanent abandonment of the property of the grantee in place, the property shall become that of the city and the grantee shall submit to the city engineer an instrument in writing, to be approved by the city attorney, transferring to the city the ownership of the property. (Ord. 80-7 §10, 1980)

5.08.110 Improvements. The grantee shall, at its expense, protect, support, temporarily disconnect, relocate in the same street or other public place, or remove from the street or other public place, any property of the grantee when required by the city engineer by reason of traffic conditions, public safety, street vacation, freeway and street construction, change or establishment of street grade, installation of sewers, drains, water pipes, power lines, signal lines, and tracks or any other type of structures or improvements by public agencies; provided, however, that the grantee shall in all such cases have the privileges and be subject to the obligations to abandon any property of the grantee in place, as provided in Section 5.08.100. (Ord. 80-7 §11, 1980)

5.08.120 Street work required. Upon failure of the grantee to commence, pursue, or complete any work required by law or by the provisions of this chapter or by its franchise to be done in any street or other public place, within the time prescribed, and to the satisfaction of the city engineer, the city engineer may, at his option, cause such work to be done and the grantee shall pay to the city the cost thereof in the itemized amounts reported by the city engineer to the grantee within thirty days after receipt of the itemized report. (Ord. 80-7 §12, 1980)

5.08.130 Bond required. A. The grantee shall, concurrently with the filing of and acceptance of award of any franchise granted under this chapter, file with the city clerk, and at all times thereafter maintain in full force and effect for the term of the franchise or any renewal thereof at the grantee's sole expense, a corporate surety bond in a company and in a form approved by the city attorney, in the amount of twenty-five thousand dollars, renewable annually, and conditioned upon the faithful

performance of the grantee, and upon the further condition that in the event the grantee fails to comply with any one or more of the provisions of this chapter, or of any franchise issued to the grantee hereunder, there shall be recoverable jointly and severally from the principal and surety of the bond any damages or loss suffered by the city as a result thereof, including the full amount of any compensation, indemnification, or cost of removal or abandonment of any property of the grantee as prescribed in this chapter which may be in default, plus a reasonable allowance for attorney's fees and costs, up to the full amount of the bond; this condition shall be a continuing obligation for the duration of the franchise and any renewal thereof and thereafter until the grantee has discharged all of its obligations with the city that may have arisen from the acceptance of the franchise or renewal by the grantee or from its exercise of any privilege granted therein. The bond shall provide that thirty days' prior written notice of intention not to renew, cancellation, or material change, be given to the city.

B. Neither the provisions of this section, nor any bond accepted by the city pursuant hereto, nor any damages recovered by the city thereunder, shall be construed to excuse faithful performance by the grantee or limit the liability of the grantee under any franchise issued under this chapter or for damages, either to the full amount of the bond or otherwise. (Ord. 80-7 §13, 1980)

5.08.140 Liability. A. The grantee shall indemnify and save harmless the city, its officers, and employees from and against any and all claims, demands, actions, suits, and proceedings by others, against all liability to others, including but not limited to any liability for damages by reason of or arising out of any failure by the grantee to secure consents from the owners, authorized distributors, or licensees of programs to be delivered by the grantee's CATV system, and against any loss, cost, expense, and damages resulting therefrom, including reasonable attorney's fees, arising out of the exercise or enjoyment of its franchise.

B. The grantee shall indemnify and save harmless the city, its officers, the council, commissions, agents, and employees from and against any and all liability claims demands, actions, suits, and proceedings by others, for loss or damage, for personal injury, death, and property damage, occasioned by the operations of the grantee under this chapter and any franchise granted hereunder; and the grantee shall, at all times during the existence of any franchise granted hereunder, maintain in full force and effect, at its own cost and expense, a general comprehensive liability insurance policy protecting the city and all persons against liability for loss or damage for personal injury, death, and

property damage, occasioned by the operations of the grantee under this chapter and any franchise granted hereunder, with minimum liability limits of three hundred thousand dollars for personal injury or death of any one person and five hundred thousand dollars for personal injury or death of two or more persons in any one occurrence, and one hundred thousand dollars for damage to property resulting from any one occurrence. The grantee shall, concurrently with the filing of an acceptance of award of any franchise granted under this chapter, file with the city clerk either a copy of such policy or a certificate of insurance evidencing the same in a form satisfactory to the city attorney. The policy of insurance, and any certificate evidencing the same, shall contain a contractual liability endorsement specifically extending the policy to cover the liability assumed by the grantee under this subsection, and shall also contain a provision that the policy may not be cancelled except after ten days' notice in writing to be given to the city clerk. (Ord. 80-7 §14, 1980)

5.08.150 Records and property inspection. A. At all reasonable times, the grantee shall permit any duly authorized representative of the city to examine all property of the grantee, together with any appurtenant property of the grantee situated within or without the city, and to examine and transcribe any and all maps and other records kept or maintained by the grantee or under its control which deal with the operations, affairs, transactions, or property of the grantee with respect to its franchise. If any such maps or records are not kept in the city, or upon reasonable request made available to the city, and if the council determines that an examination thereof is necessary or appropriate, then all travel and maintenance expense reasonably incurred in making the examination shall be paid by the grantee.

B. The grantee shall prepare and furnish to the city engineer and the city finance director, at the times and in the form prescribed by either of the officers, such reports with respect to its operations, affairs, transactions, or property as may be reasonably necessary or appropriate to the performance of any of the rights, functions, or duties of the city or any of its officers in connection with the franchise.

C. The grantee shall at all times make and keep in the city full and complete plans and records showing the exact location of all CATV system equipment installed or in use in the streets and other public places in the city. (Ord. 80-7 §15, 1980)

5.08.160 Operation. A. The CATV system shall be installed and maintained in accordance with the highest and best accepted standards of the CATV industry, to the effect

that subscribers shall receive the highest quality service technically possible.

B. The system and all equipment in the system shall be rated for continuous twenty-four hour per day operation.

C. The system shall be designed in such a way that twenty-channel operation is possible at the outset. (Ord. 80-7 §16, 1980)

5.08.170 Filing requirements. When not otherwise prescribed in this chapter, all matters required to be filed with the city shall be filed with the city clerk. (Ord. 80-7 §17(a), 1980)

5.08.180 Reimbursement. The grantee shall pay to the city a sum of money sufficient to reimburse it for all publication expenses incurred by it in connection with the granting of a franchise pursuant to the provisions of this chapter. The payment shall be made within thirty days after the city furnishes the grantee with a written statement of such expenses by delivery to the city finance director. (Ord. 80-7 §17(b), 1980)

5.08.190 Office in city required. The grantee shall maintain, and staff with at least one full-time employee, an office within the city limits or at a location which subscribers may call without incurring added message or toll charges so that CATV maintenance service shall be promptly available to subscribers. The office shall be open to receive inquiries or complaints from subscribers at least from nine a.m. to five p.m., Monday through Friday (except holidays). Complaints from subscribers shall be investigated and acted upon as soon as possible, but at least within three business days from their receipt. The grantee shall keep a maintenance service log indicating the nature of each service complaint, the date and time it was received, the disposition of the complaint, and the time and date thereof. This log shall be made available for periodic inspection by the city. (Ord. 80-7 §17(c), 1980)

5.08.200 Service refusal prohibited. No person, firm, or corporation in the existing service areas of the grantee shall be arbitrarily refused service; provided, however, that the grantee shall not be required to provide service to any subscriber who does not pay the applicable connection fee or monthly service charge. (Ord. 80-7 §17(d), 1980)

5.08.210 Public service to be provided. The grantee shall, without charge, provide all basic subscriber services of its system to all public and nonprofit private schools, police stations and fire stations, city recreation centers, and such other buildings owned or controlled by the city, which shall from time to time be designated by the city

manager; provided, that the buildings shall be located within the franchise area. The grantee shall install, without charge to the city or the public or private schools, up to two hundred feet of service connections from the transmission cable otherwise maintained or required to be maintained by the grantee for the service of paying subscribers of the grantee. The city or any public or private schools shall pay the grantee the costs of all labor and materials supplied by the grantee for the installation of any service connection in excess of the initial two hundred feet. (Ord. 80-7 §17(e), 1980)

5.08.220 Disaster requirements. In the case of any emergency or disaster, the grantee shall, upon request of the city manager, make available its facilities to the city for emergency use during the emergency or disaster period. (Ord. 80-7 §17(f), 1980)

5.08.230 Pole and facility use. When any portion of the CATV system is to be installed on public utility poles and facilities, certified copies of the agreements for such joint use of poles and facilities shall be filed with the city clerk. (Ord. 80-7 §18, 1980)

5.08.240 Application--Requirements. Application for a franchise under this chapter shall be in writing, shall be accompanied by an application fee of one hundred dollars, shall be filed with the city clerk, and shall contain the following information:

A. The name and address of the applicant. If the applicant is a partnership, the name and address of each partner shall also be set forth. If the applicant is a corporation, the application shall also state the names and addresses of its directors, main officers, major stockholders and associates, and the names and addresses of parent and subsidiary companies.

B. A statement and description of the CATV system proposed to be constructed, installed, maintained, or operated by the applicant.

C. A map specifically showing and delineating the proposed service area or areas within which the applicant proposes to provide CATV service and for which a franchise is requested.

D. A statement or schedule setting forth the number of channels and all of the television or radio stations proposed to be received, transmitted, conducted, relayed, or otherwise conveyed over its system.

E. A statement or schedule in a form approved by the city manager of proposed rates and charges to subscribers for installation and basic services, and a copy of proposed service agreement between the grantee and its

subscribers shall accompany the application. For unusual circumstances, such as underground cable required, or more than one hundred fifty feet of distance from cable to connection of service to subscribers, an additional installation charge over that normally charged for installation as specified in the applicant's proposal may be charged, with easements to be supplied by the subscribers. For remote, relatively inaccessible subscribers within the city, service may be made available on the basis of cost of materials, labor, and easements as required by the grantee.

F. A financial statement prepared by a certified public accountant, or person otherwise satisfactory to the council, showing the applicant's financial status and his financial ability to complete the construction and installation of the proposed CATV system.

G. The council may at any time demand, and the applicant shall provide, such supplementary, additional, or other information as the council may deem reasonably necessary to determine whether the requested franchise should be granted. (Ord. 80-7 §19(a), 1980)

5.08.250 Application--Granting or refusal. Upon consideration of any application, the council may refuse to grant the requested franchise or the council may by ordinance grant a franchise for a CATV system to any applicant as may appear from the application to be in its opinion best qualified to render proper and efficient CATV service to television viewers and subscribers in the city. The council's decision in the matter shall be final. If favorably considered, the application submitted shall constitute and form part of the franchise as granted. (Ord. 80-7 §19(b), 1980)

5.08.260 Rates. The grantee may make a charge to subscribers for installation or connection to its CATV system and a fixed monthly charge as filed and approved by the city council. Except as otherwise provided in Government Code Section 53066.1, no increase in rates or charges to subscribers as set forth in the schedule filed with the grantee's application and approved may be made without the prior approval of the council expressed by resolution. (Ord. 80-7 §20, 1980)

5.08.270 Renewal. Any franchise granted under this chapter is renewable at the application of the grantee, in the same manner and upon the same terms and conditions as required in this chapter for obtaining the original franchise, except those which are by their terms expressly inapplicable; provided, however, that the council may at its option waive compliance with any or all of the requirements of Sections 5.08.240 and 5.08.250. (Ord. 80-7 §21, 1980)

5.08.280 Compliance with provisions. No franchise granted pursuant to the provisions of this chapter shall become effective unless and until the ordinance granting same has become effective and, in addition, unless and until all things required in this section and Sections 5.08.130 and 5.08.140 are done and completed, all of such things being conditions precedent to the effectiveness of any franchise granted under this chapter. In the event any of such things are not done and completed in the time and manner required, the council may declare the franchise null and void. (Ord. 80-7 §22(a), 1980)

5.08.290 Agreement acceptance filing. Within thirty days after the effective date of the ordinance awarding a franchise, or within such extended period of time as the council in its discretion may authorize, the grantee shall file with the city clerk his written acceptance, in form satisfactory to the city attorney, of the franchise, together with the bond and insurance policies required by Sections 5.08.130 and 5.08.140, and his agreement to be bound by and to comply with and to do all things required of him by the provisions of this chapter and the franchise. Such acceptance and agreement shall be acknowledged by the grantee before a notary public, and shall in form and content be satisfactory to and approved by the city attorney. (Ord. 80-7 §22(b), 1980)

5.08.300 Restrictions. A. It is unlawful for any person to establish, operate, or carry on the business of distributing to any persons in this city any television signals or radio signals by means of a CATV system unless a franchise therefor has first been obtained pursuant to the provisions of this chapter, and unless the franchise is in full force and effect.

B. It is unlawful for any person to construct, install, or maintain within any public street in the city, or within any other public property of the city, or within any privately owned area within the city which has not yet become a public street but is designated or delineated as a proposed public street on any tentative subdivision map approved by the city, any equipment or facilities for distributing any television signals or radio signals through a CATV system, unless a franchise authorizing such use of such street or property or area has first been obtained pursuant to the provisions of this chapter, and unless such franchise is in full force and effect.

C. It is unlawful for any person, firm, or corporation to make any unauthorized connection, whether physically, electrically, acoustically, inductively, or otherwise, with any part of a franchise CATV system within the city for the purpose of taking or receiving television signals, radio signals, pictures, programs, or sound.

D. It is unlawful for any person, firm, or corporation to make any unauthorized connection, whether physically, electrically, acoustically, inductively, or otherwise with any part of a franchised CATV system, within the city for the purpose of enabling himself or others to receive any television signal, radio signal, picture, program, or sound without payment to the owner of the system.

E. It is unlawful for any person, without the consent of the owner, to wilfully tamper with, remove, or injure any cables, wires, or equipment used for distribution of television signals, radio signals, pictures, programs, or sound. (Ord. 80-7 §23, 1980)

Chapter 5.12

POOLHALLS AND BILLIARD PARLORS

Sections:

- 5.12.010 Definitions.
- 5.12.020 Hours of operation.
- 5.12.030 Restrictions.

5.12.010 Definitions. For the purpose of this chapter, a "pool or billiard parlor" means a room in which there is one or more pool or billiard tables used for the purpose of playing pool or billiards, for which compensation is paid to the owner, proprietor, manager, lessee, or possessor thereof. (Prior code §4-10)

5.12.020 Hours of operation. It is unlawful for any person, firm, or corporation, either as principal, agent, servant, or employee to operate, conduct, or keep open any pool or billiard parlor between the hours of two a.m. and six a.m. (Prior code §4-11)

5.12.030 Restrictions. No person, firm, or corporation shall maintain, operate, or carry on any pool or billiard parlor in such a way that any part or portion of the room is partitioned off from the main room; nor operate, conduct, or maintain any pool or billiard parlor, or permit games of pool or billiards to be played or conducted so that any player thereof shall not be fully visible from the front part of the main room at all times. (Prior code §4-12)

Title 6ANIMALSChapters:6.04 DogsChapter 6.04DOGSSections:

- 6.04.010 Licensing year.
- 6.04.020 License--Required.
- 6.04.030 License--Tag.
- 6.04.040 License--Attachment to dog.
- 6.04.050 License--Transferability.
- 6.04.060 License--Duplicate fee.
- 6.04.070 Vaccination--Required.
- 6.04.080 Vaccination--Certificate.
- 6.04.090 Vaccination--Required for licensing.
- 6.04.100 Leash--Required when.
- 6.04.110 Trespassing prohibited.
- 6.04.120 Nuisance prohibited.
- 6.04.130 Poundmaster--Authority.
- 6.04.140 Poundmaster--Impoundment.
- 6.04.150 Pound designated.
- 6.04.160 Impoundment--Redemption.
- 6.04.170 Impoundment--Redemption fee.
- 6.04.180 Impoundment--License fees.
- 6.04.190 Impoundment--Unlawful removal.
- 6.04.200 Impoundment--Destruction.
- 6.04.210 Report to poundmaster.
- 6.04.220 Obstructing poundmaster.

6.04.010 Licensing year. The licensing year for licenses issued pursuant to this chapter shall commence on the first day of July of each calendar year and shall end on the thirtieth day of June of the following calendar year. (Ord. 86-05 §1(part), 1986)

6.04.020 License--Required. Every person who owns, controls, harbors, possesses or keeps any dog over the age of four months in the city shall procure a license from the city clerk for the dog, and shall be required to pay the applicable license fee of such sum as the city council may

from time to time prescribe by resolution. Within fifteen days after any dog over the age of four months is acquired or brought into the city, its owner shall procure a license for the dog and shall be required to pay the fees in this chapter required of such owner. Any owner who fails to procure a dog license within the time allowed shall, in addition to any other penalties provided by this chapter, be subject to a penalty of one hundred percent of the minimum amount due, and such penalty shall be added to the license fee. If any owner of an unlicensed dog required to be licensed fails to procure a dog license within fifteen days after written notice is given to the owner by the police department to license the dog, the owner shall be subject to a penalty of one hundred percent of the one-year license fee. Such penalty shall be added to the license fee and shall be in addition to any other penalty provided for in this section or elsewhere in this chapter. (Ord. 87-01 §1, 1987: Ord. 86-05 §1(part), 1986)

6.04.030 License--Tag. The city clerk shall procure and issue, upon proper application and payment therefor by any person owning, controlling, harboring, or keeping any dog, a serially numbered license tag, stamped with the name of the city and the date and year of expiration. The applicant for the license shall state the age, sex, color, and breed of the dog for which the license is desired. Where the dog to be licensed has attained the age of twelve months or older, the applicant for the license for such dog shall choose a license period of one, two, or three years. The city clerk may issue a license for a dog twelve months or older which is valid for either one, two, or three years, except the city clerk shall not issue or collect fees for a license with a period which extends beyond the remaining period of validity for the current rabies vaccination as evidenced by the certificate of vaccination for the dog for which the license is desired. Where the dog to be licensed is less than twelve months of age, the city clerk shall issue a license valid for one year. Upon issuance of the license, the city clerk shall endorse upon the application the number of the license tag issued and all applications so endorsed shall be kept on file in the office of the city clerk and shall be open to public inspection. (Ord. 87-01 §2, 1987: Ord. 86-05 §1(part), 1986)

6.04.040 License--Attachment to dog. The person to whom a license is issued shall affix or cause to be affixed to the dog for whom the license is issued the license tag required by this chapter and the dog shall thereafter, at any and all times, have the license tag attached to it. (Ord. 86-05 §1(part), 1986)

6.04.050 License--Transferability. No license issued by the city clerk pursuant to this chapter shall be transferable. (Ord. 86-05 §1(part), 1986)

6.04.060 License--Duplicate fee. Whenever a license tag issued pursuant to this chapter is lost or taken or stolen by parties unknown to the owner or person having control of the dog for which the license was issued, the owner or person having control of the dog may, upon the payment of the sum of one dollar and upon making and subscribing to an affidavit of such loss of the tag, receive from the city clerk a duplicate license tag for the remaining portion of the licensing period for which the original license was issued. (Ord. 87-01 §3, 1987: Ord. 86-05 §1(part), 1986)

6.04.070 Vaccination--Required. It is unlawful for any person to keep, own or harbor any dog or dogs in the city over the age of four months unless the dog or dogs have been vaccinated with an approved canine antirabies vaccine by a veterinarian authorized to practice veterinary medicine or surgery in this state. (Ord. 86-05 §1(part), 1986)

6.04.080 Vaccination--Certificate. Dogs vaccinated with nervous-tissue vaccine shall be vaccinated at least once each year. Dogs vaccinated with chicken-embryo vaccine shall be vaccinated at least once every three years. Doctors of veterinary medicine and surgery who vaccinate dogs with approved antirabies vaccine shall issue certificates of vaccination to the person owning or possessing the dog. (Ord. 86-05 §1(part), 1986)

6.04.090 Vaccination--Required for licensing. No dog license shall be issued pursuant to this chapter for any dog unless and until the owner of the dog presents to the city clerk a certificate of a duly licensed doctor of veterinary medicine certifying that the dog has been vaccinated with an approved nervous-tissue vaccine within a period of not more than one year prior to the first day of the licensing year, or with an approved chicken-embryo antirabies vaccine within a period of not more than three years prior to the first day of the licensing year. (Ord. 86-05 §1(part), 1986)

6.04.100 Leash--Required when. A. No dog shall be permitted in or upon any public street, sidewalk, alley, park, parkway or other public place in the city, or in or upon any property belonging to the city, unless the dog is on a leash and is under the complete control of the person owning or, at the time in possession of the dog.

B. Notwithstanding anything in this section to the contrary, no person shall be compelled to keep any dog in

his possession on a leash while in or upon any public street, alley, park, parkway or other public place in the city if, at the time, the dog is securely confined in an automobile. (Ord. 86-05 §1(part), 1986)

6.04.110 Trespassing prohibited. It is unlawful for any person owning or being in charge, care, control or custody of any dog to suffer or permit any such dog to trespass on private property, or permit the dog upon any public school property unless for teaching or other school uses approved by the school officials, or to permit the dog within any public park or parks within the limits of the city. (Ord. 86-05 §1(part), 1986)

6.04.120 Nuisance prohibited. It is unlawful for any person owning or being in charge, care, control or custody of any dog to suffer or permit the dog to commit or create a nuisance on any property in the city other than that of the owner or person having charge, care, control or custody of the dog. It is unlawful for any person owning, or being in charge, care, control or custody of any dog, to permit or suffer any such dog to create or become a public nuisance. For the purposes of this section, anything that is injurious to health or is offensive to the senses so as to interfere with the comfortable enjoyment of life or property by any person is a public nuisance. (Ord. 86-05 §1(part), 1986)

6.04.130 Poundmaster--Authority. Upon presentation of proper credentials, the poundmaster or his duly authorized representative, or any police officer, may enter at reasonable times upon the yards of private property, but not into buildings, when reasonably necessary to do so in order to enforce the provisions of this chapter. The poundmaster or his duly authorized representative is further authorized, in order to carry out the provisions of this chapter, and upon presentation of proper credentials, to enter upon any premises upon which the poundmaster or his authorized representative has reason to believe any dog is being kept or harbored, and to demand the exhibition to him by the person, firm or corporation owning, harboring, keeping or having charge or control of any such dog, of the dog license issued pursuant to this chapter. It shall be the duty of the person, firm or corporation to exhibit the license or to surrender any such dog to the poundmaster or authorized representative. (Ord. 87-01 §4, 1987: Ord. 86-05 §1(part), 1986)

6.04.140 Poundmaster--Impoundment. It shall be the duty of the poundmaster to impound all dogs over the age of four months that are unlicensed and/or unidentified, as provided for in this chapter, or that are in or upon any private property without the permission and consent of the

owner of the property, or that are in or upon any public street, alley, sidewalk, park, parkway or other place unleashed. (Ord. 86-05 §1(part), 1986)

6.04.150 Pound designated. Until such time as the city may construct or otherwise acquire or lease adequate holding facilities of its own, the city may contract with other public agencies, persons, firms or corporations agreeing to provide and furnish such facilities and necessary related services. In such case, impounded dogs shall be delivered by the poundmaster to such holding facilities as soon as reasonably practicable after impoundment. Dogs held in such a facility shall, for the purposes of this chapter, be in the custody of the poundmaster. (Ord. 86-05 §1(part), 1986)

6.04.160 Impoundment--Redemption. Any dog taken up and impounded pursuant to this chapter may be redeemed by the owner thereof or any person interested therein while the dog is in the custody of the poundmaster by complying with the conditions of Sections 6.04.170 and 6.04.180. (Ord. 86-05 §1(part), 1986)

6.04.170 Impoundment--Redemption fee. The owner or interested person of an impounded dog shall pay to the poundmaster or his authorized representative as a redemption fee such sum as the city council may from time to time prescribe by resolution. (Ord. 86-05 §1(part), 1986)

6.04.180 Impoundment--License fees. If an impounded dog is not currently and properly licensed, the owner or interested person shall deposit with the poundmaster the sum of twenty-five dollars as a guarantee that the owner or person will present to the city clerk satisfactory evidence of the vaccination of the dog with an approved antirabies vaccine, as provided in this chapter, and obtain a license for the dog within thirty days from the date of such redemption. The poundmaster shall transmit the deposit to the city clerk who, upon surrender of the receipt therefor within thirty days from the date of redemption, together with satisfactory evidence that the dog has been properly vaccinated and licensed, shall refund the deposit to the owner of such interested person who has redeemed the dog as provided in this chapter. In the event that the owner or person redeeming the dog fails to have the dog properly vaccinated and licensed within thirty days from the date of such redemption, the twenty-five dollars deposited in the city trust fund shall be forfeited to the city and deposited in the general fund. Forfeiture of the deposit does not waive compliance with the provisions of this chapter. (Ord. 86-05 §1(part), 1986)

6.04.190 Impoundment--Unlawful removal. It is unlawful for any person to remove any impounded animal from the city pound or holding station without the consent of the poundmaster. (Ord. 86-05 §1(part), 1986)

6.04.200 Impoundment--Destruction. No dog impounded under the provisions of this chapter shall be killed until and after notice is given by the poundmaster to the owner of the dog, as provided in this section; provided, however, that no notice need be given if the dog does not have a license tag affixed. The notice as provided for in this section shall contain a description of the dog impounded including the sex and breed thereof, and the date the dog was impounded, and may be served by mailing a copy thereof through the United States mail addressed to the owner of the

dog as shown on the records of the city clerk and to the last address of the owner as shown on such records. The notice shall be deemed to have been given and served on the date it was mailed. If no person appears and redeems the dog within five days of the giving of notice, as provided in this section, or within five days after the dog has been impounded, the poundmaster shall cause and direct the dog to be humanely killed, or sell it to or for the use of an accredited medical institution. (Ord. 86-05 §1(part), 1986)

6.04.210 Report to poundmaster. No person shall, without the knowledge or consent of the owner, hold or retain possession of any dog of which he is not the owner for more than twenty-four hours without first reporting the possession of the dog to the poundmaster, giving his name and address and a true description of the dog, and then cause the dog to be impounded at the animal shelter for return to the legal owner. (Ord. 86-05 §1(part), 1986)

6.04.220 Obstructing poundmaster. No person shall wilfully oppose, resist, delay or obstruct the poundmaster or duly authorized representative in the discharge or attempt to discharge of any act or duty authorized or prescribed by this chapter. (Ord. 86-05 §1(part), 1986)

Title 7

(RESERVED)

Title 8HEALTH AND SAFETYChapters:

- 8.04 Restaurants
- 8.08 Nuisances
- 8.12 Refuse
- 8.16 Uniform Fire Code and Fire Safety Regulations

Chapter 8.04RESTAURANTSSections:

- 8.04.010 Definitions.
- 8.04.020 Permit--Required.
- 8.04.030 Permit--Application.
- 8.04.040 Permit--Investigation.
- 8.04.050 Permit--Term.
- 8.04.060 Permit--Revocation.
- 8.04.070 Regulations designated.
- 8.04.080 State statutes applicable.
- 8.04.090 Equipment repair.
- 8.04.100 Hood requirements.
- 8.04.110 Plumbing requirements.
- 8.04.120 First aid instruction posting.
- 8.04.130 Manager certification.
- 8.04.140 Cleanliness requirements.
- 8.04.150 Administration.

8.04.010 Definitions. Whenever used in this chapter, unless a different meaning clearly appears from the context, the words set out in this section shall be defined as follows:

A. "Food or beverage" includes all articles used for food, drink, confectionery, or condiment, whether simple or compound, and all substances and ingredients used in the preparation thereof for human consumption.

B. "Itinerant restaurant" means any restaurant operating from temporary facilities serving, offering for sale, selling, or giving away food or beverage and includes, but is not limited to, a restaurant where only wrapped sandwiches or other wrapped and packaged, ready-to-eat foods are served, and any mobile unit on which food is prepared and served.

C. "Person" means a natural person, club, including

veteran's club, firm, corporation, partnership, organization, association, or political subdivision, except public schools.

D. "Restaurant" means any coffee shop, cafeteria, short-order cafe, luncheonette, tavern, sandwich stand, soda fountain, itinerant restaurant, vehicle, private school cafeteria or eating establishment, in-plant or employee eating establishment, whether private or public, organization, club, including veteran's club, boardinghouse, guest house, or political subdivision which gives, sells, or offers for sale, food to the public, guests, patrons, members, or employees, as well as kitchens in which food is prepared on the premises for service elsewhere, including catering functions.

E. "Stanislaus County health officer" is the designated health officer for the city.

F. "Vehicle" means any vehicle upon which food or beverage is displayed, sold, or offered for sale, or given away. (Ord. 79-11 §1, 1979)

8.04.020 Permit--Required. It is unlawful for any person to engage in the business of conducting a restaurant within the city without first having obtained, and thereafter keeping posted in a conspicuous place on the premises for which it is issued, an unexpired permit to conduct such business as provided in this chapter. (Ord. 79-11 §2, 1979)

8.04.030 Permit--Application. Any person desiring a permit to conduct a restaurant on the city shall file with the health officer or his authorized representative an application in writing requesting that a permit be issued to the person therein named. Plans for any new restaurant construction and remodeling shall be submitted to the health officer or his authorized representative for approval. The application shall be upon a form supplied by the health officer and shall state that if the permit is granted, the applicant shall conform to and comply with all requirements of this chapter. (Ord. 79-11 §3, 1979)

8.04.040 Permit--Investigation. Immediately upon receipt of an application for a restaurant permit, the health officer or his authorized representative shall investigate the premises on which it is proposed to conduct the business and determine whether the premises and equipment used or to be used therein comply with the rules and regulations prescribed by this chapter and with the laws of the state pertaining to restaurants. If satisfied that the premises and equipment comply with such rules and regulations and laws, he shall issue a permit to the applicant to conduct business. The permit, when issued, shall be kept posted in a conspicuous place on the premises

for which it is issued, and no permit shall be transferable from one person to another. (Ord. 79-11 §4, 1979)

8.04.050 Permit--Term. Each permit issued by the health officer for conduct of a restaurant business expires at the end of twelve calendar months from the date of issuance or at such time as the person to whom the permit was issued ceases to conduct the restaurant, whichever occurs first. (Ord. 79-11 §5, 1979)

8.04.060 Permit--Revocation. Any permit to conduct a restaurant may be revoked by the health officer in the event that he determines that any of the regulations contained in this chapter have been violated, whereupon the permit shall be surrendered to the health officer. Any person whose permit has been revoked by the health officer, as provided in this section, may appeal to the city council by filing a written notice of appeal with the city clerk within ten days of the act of revocation. At its next regular meeting following the filing of the notice of appeal, the city council shall fix a time and place for hearing the appeal and the clerk shall provide notice of the hearing to the appellant and to the health officer. At the hearing, the city council may receive evidence and inquire into the revocation, and shall have power in its discretion to restore the permit or affirm the action of the health officer in revoking the permit. Any restaurant, the permit for which has been revoked by the health officer, shall remain closed pending the hearing of any appeal and decision thereon by the city council. (Ord. 79-11 §6, 1979)

8.04.070 Regulations designated. Any person operating a restaurant within the city shall be governed by the regulations specified in Sections 8.04.080 through 8.04.140. The violation of any of these regulations shall be grounds for revocation of the permit to conduct said business within the city. (Ord. 79-11 §7(part), 1979)

8.04.080 State statutes applicable. Any person operating a restaurant shall meet and comply with all requirements of the California Restaurant Act and all other laws of the state pertaining to restaurants and the premises on which the same are conducted. (Ord. 79-11 §7(1), 1979)

8.04.090 Equipment repair. Any piece of equipment or any fixture in any restaurant which has deteriorated to such an extent as to be no longer satisfactory for use shall be replaced promptly by equipment deemed satisfactory by the health officer. (Ord. 79-11 §7(2), 1979)

8.04.100 Hood requirements. Each cooking stove, griddle, or fat fryer used in connection with the restaurant

business must have an approved power-ventilation system. Hoods, where used, must have an area at least twenty-five percent greater than the area of the stove, griddle or fat fryer, and must lead to a forced-air ventilating flue. (Ord. 79-11 §7(3), 1979)

8.04.110 Plumbing requirements. Every plumbing fixture must be provided with running water. Plumbing fixtures from which wastes are discharged must be properly trapped, each trap must be effectively vented, and these fixtures must be connected to an approved sewerage system. (Ord. 79-11 §7(4), 1979)

8.04.120 First aid instruction posting. At all times during which a restaurant is serving food, instructions on first aid to persons choking on food shall be posted in a conspicuous place. (Ord. 79-11 §7(5), 1979)

8.04.130 Manager certification. At all times that food is being served, a restaurant shall have on the premises a manager or other person in charge who shall have in his possession a certificate of approval issued by the health officer. Certification requires training in basic sanitary food handling practices, knowledge of state laws pertaining to food handling, and management responsibilities. The health officer shall establish criteria and be responsible for all instructions pursuant to these requirements. (Ord. 79-11 §7(6), 1979)

8.04.140 Cleanliness requirements. Each restaurant shall be equipped with equipment to test the effectiveness of the chemical sanitizing agent being used for sanitizing purposes within the restaurant. The manager or other person in charge shall be familiar with the type of chemical in use, its method of application, and test procedures. (Ord. 79-11 §7(7), 1979)

8.04.150 Administration. The city council authorizes and directs that this chapter shall be administered by the public health division of the Stanislaus County department of human services. If the public health division of the county shall for any reason refuse or otherwise fail to accept the responsibility of administering the provisions of this chapter, then the city council shall by resolution designate a new person or agency to act as administrator. (Ord. 79-11 §8, 1979)

Chapter 8.08NUISANCESSections:

- 8.08.010 Definitions.
- 8.08.020 Buildings and grounds.
- 8.08.030 Streets and sidewalks.
- 8.08.040 Removal--Buildings and grounds.
- 8.08.050 Removal--Streets and sidewalks.
- 8.08.060 Prevention--Private property.
- 8.08.070 Prevention--Public property.
- 8.08.080 Abatement--Notice.
- 8.08.090 Abatement--Hearing.
- 8.08.100 Abatement--By city.
- 8.08.110 Abatement--Cost assessment.
- 8.08.120 Exceptions.

8.08.010 Definitions. As used in this chapter, the following words have the meanings ascribed to them in this section:

A. "Parkings" means the area between the established concrete curbing and the private property line.

B. "Street" means a public or private thoroughfare which affords principal or secondary access by vehicles to abutting property including any street, avenue, place, way, drive, lane, boulevard, highway, road, alley, and any other thoroughfare used by vehicles.

C. "Weeds" means all weeds growing upon roads, streets, sidewalks, or private property as defined by the Health and Safety Code, Section 14875, and includes dry grass, stubble, brush, litter, or other flammable material which endangers the public safety by creating a fire hazard. (Ord. 82-8 §2, 1982; Ord. 73-8 §3, 1973)

8.08.020 Buildings and grounds. All dirt, rubbish, weeds, or other rank growths located upon any buildings, grounds, or lots within the city, which constitute a fire menace or which are otherwise a menace to health or safety, are a public nuisance and may be abated as provided in this chapter. (Ord. 73-8 §1, 1973)

8.08.030 Streets and sidewalks. All grass, weeds, or other constructions located upon any sidewalks, parkings, or streets within the city which constitute a fire menace or which are otherwise a menace to health or safety are a public nuisance and may be abated as provided in this chapter. (Ord. 73-8 §2, 1973)

8.08.040 Removal--Buildings and grounds. It is the duty of every owner of buildings, grounds, or lots within the city to remove dirt, rubbish, weeds, or other rank growths from such property or adjacent sidewalks, as designated in Section 8.08.010, from said buildings, grounds, or lots. (Ord. 73-8 §4, 1973)

8.08.050 Removal--Streets and sidewalks. It is the duty of every owner of buildings, grounds, or lots within the city to remove grass, weeds, or other obstructions from the sidewalks and parkings and the half of the streets as abut his buildings, grounds, or lots as designated in Section 8.08.020. (Ord. 73-8 §5, 1973)

8.08.060 Prevention--Private property. Every owner of buildings, grounds, or lots in the city shall keep such buildings, grounds, or lots free and clear of all dirt, rubbish, weeds, or other rank growths, which from any cause whatever have accumulated upon the property. (Ord. 73-8 §6, 1973)

8.08.070 Prevention--Public property. Every owner of buildings, grounds, or lots in the city shall keep the sidewalks and parkings and the half of the streets as abut his buildings, grounds, or lots free and clear of all grass, weeds, or other obstructions as described in Section 8.08.020 which from any cause whatever have accumulated thereon. (Ord. 73-8 §7, 1973)

8.08.080 Abatement--Notice. Upon the failure of any owner to destroy or remove such dirt, rubbish, weeds, or other rank growths, grass or other obstructions as described in Sections 8.08.010 and 8.08.020 in the manner designated in this chapter, the owner of the real property involved shall be notified by the fire chief to remove the same within a period of seven days. The notice shall identify the property by its commonly known name, the street, road, or highway upon which it is located, and shall describe the property by reference to the tract, block, lot, code area, and parcel number as used in the records of the Stanislaus County assessor. The notice shall state that the grass, weeds, dirt, rubbish, or other obstructions on the property or sidewalks, parkings and the half of the streets as abut the property, as the case may be, is a nuisance and hazard and that by the provision of this chapter they must be abated by the owner; otherwise, they will be abated by city authorities, in which case the cost of abatement shall be a special assessment on the property and will constitute a lien on the property until paid. The notice shall contain the name of the fire chief and shall state that an appeal from the notice may be made in writing to the city council through the office of the city clerk, and give his name,

address, telephone number, and the date by which such appeal must be made. The notice shall be in writing or printed and shall be posted in a conspicuous place upon the property for a period of seven days and shall be mailed to the property owner as shown on the assessment roll. (Ord. 73-8 §8, 1973)

8.08.090 Abatement--Hearing. If the property owner objects to the determination of the fire chief that the condition of his property is such as is described in Sections 8.08.010 or 8.08.020, he may file his objection in writing with the city council through the city clerk's office within the seven days after the date of the notice, and such objection shall be heard as soon thereafter as the business of the council will permit. If the council upholds the determination of the fire chief, the property owner shall be allowed seven days thereafter to comply, after which the procedure in Sections 8.08.100 and 8.08.110 shall be employed. If the council does not uphold the determination of the fire chief, such action may be taken as the council directs. (Ord. 73-8 §9, 1973)

8.08.100 Abatement--By city. If at the end of the period set forth in Sections 8.08.080 and 8.08.090 the owner has failed to comply with the notice or has not successfully objected thereto, the fire chief shall notify the director of public works who shall cause the nuisance as described to be removed and shall charge the expense of the work of removing the same to the owner of the property and it shall become a lien on the property and shall constitute a special assessment against the property in accordance with Sections 38773 and 38773.5 of the Government Code. (Ord. 73-8 §10, 1973)

8.08.110 Abatement--Cost assessment. Upon completion of the work of removal of the nuisance, the city clerk shall notify the owner of the real property in writing of the expense of the work. If the owner fails or refuses to pay the amount of the expense within a period of thirty days from the date of mailing the notice, payment to be made to the city, the city clerk shall cause to be recorded notice of the lien on the property cleared or chargeable for the clearing, in the office of the recorder of Stanislaus County for the amount due. On the first business day in September, the city clerk shall certify to the county auditor the names, and amount due, from the property owners whose obligation under this chapter remains unpaid, for entry on the tax roll. After receipt of the amount due, the city clerk shall cause to be recorded a release of lien in the county recorder's office. (Ord. 73-8 §11, 1973)

8.08.120 Exceptions. Noting in this chapter shall be construed to require the removal from the property of any

ornamental trees, plants, lawns, or shrubs of a reasonable growth; provided, the same are not in any manner obstructions to the free use of the sidewalk or streets in front of or along the property by pedestrians or vehicles. (Ord. 73-8 §12, 1973)

Chapter 8.12

REFUSE COLLECTION

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8.12.010 Definitions. For the purposes of this chapter, the following terms are defined:

A. "Bin" means a container designed for mechanical emptying with a close-fitting cover and of a design approved by the council.

B. "City" means the city of Hughson.

C. "City administrator" means the city administrator of the city.

D. "Council" means the city council of the city.

E. "County" means the county of Stanislaus, state of California.

F. "Customer" means any person receiving refuse service under the provisions of this chapter.

G. "Disposal site" means an area or location used for the disposal of refuse designated as such by the council.

H. "Drop box" means a container designed to be loaded upon a vehicle for transportation to the disposal site with a minimum capacity of ten cubic yards and of a design approved by the council.

I. "Garbage" means all putrescible waste and animal or vegetable waste or residue produced or accumulated from the preparation, processing, handling, or consumption of food stuffs.

J. "Garden refuse" means grass clippings, tree or shrub trimmings, and other waste plant material accumulated as a result of noncommercial gardening.

K. "Industrial refuse" means refuse produced by a person engaged in the business of processing or manufacturing agricultural, animal, or other products or materials whose principal outlet for such products is wholesale rather than retail and refuse produced by any persons engaged in the business of building construction or demolition.

L. "Occupant" means the person in possession or control of premises such as lessee, licensee, manager, custodian, or caretaker.

M. "Owner" means the person having dominion of or title to premises.

N. "Person" means any individual, firm, corporation, association, group, or combination and the plural as well as the singular.

O. "Premises" means a parcel of real property to the center of an alley adjacent thereto, located in the incorporated area of the city, upon which is situated any dwelling house or other place of human habitation, including each unit of a multiple occupancy building, or upon which is conducted any business, occupation, or activity which results in the production or accumulation of refuse.

P. "Refuse" means both garbage and rubbish as defined in this section.

Q. "Refuse collector" means a person who collects or transports refuse under authority granted by the council, including his agents and employees.

R. "Rubbish" means nonputrescible waste, discarded or abandoned material, including, but not limited to, paper, cardboard, rugs, rags, clothing, straw, wood, crockery, glass, rubber, metal, plastic, and construction debris.

S. "Standard container" means a metallic can or other container expressly approved by the council with close-fitting cover, cover handle, and side handles of not less than ten or more than thirty-three gallons capacity. (Ord. 76-7 §1(part), 1976: prior code §3-10)

8.12.020 Littering prohibited. A. No owner or occupant shall throw, drop, leave, dump, bury, place, or otherwise dispose of any refuse, or allow any other person to dispose of refuse, upon his premises except in a regularly designated disposal site; provided, however, building materials may be kept on premises during a period of active construction, reconstruction, or repair of a building or structure thereon under a valid building permit; and wood may be kept neatly piled upon premises for household use; and garden refuse may be composted in a manner approved by the council.

B. No person shall throw or deposit or cause to be thrown or deposited, any refuse or abandon any material whatsoever in or upon any public property, public

right-of-way, watercourse, or banks of any watercourse, or upon the premises of any other person except at a regularly designated disposal site. (Ord. 76-7 §1(part), 1976: prior code §3-11)

8.12.030 Removal required. The owner or occupant of an occupied dwelling house or other place of human habitation, including a business establishment, shall cause refuse to be removed from the premises at least once each week. The owner or occupant of premises upon which a hotel, restaurant, boardinghouse, or other garbage-producing business is operated shall cause garbage to be removed from the premises at least twice each week. The council may require a greater number of collections per week. (Ord. 76-7 §1(part), 1976: prior code §3-12)

8.12.040 Containers--Generally. No owner or occupant shall fail or neglect to provide a sufficient number of standard containers or bins for receiving and holding, without leakage or escape of odors, all refuse created, produced, or accumulated on the premises, and except as provided in this chapter for garden refuse, all such refuse shall be deposited in such containers. Containers shall at all times be kept in good, useful, and sanitary condition. Containers shall be kept continuously closed except when garbage is being placed therein or removed therefrom, and shall at all times be closed against the access of flies, rodents, and other animals. Garbage, rubbish, and garden refuse may be deposited in the same container. Containers shall not exceed thirty-three gallons in volume and shall not exceed forty pounds in weight when filled for removal. Bins may be used in lieu of standard containers. Bins shall be of a size approved by the council as being adequate for the particular use or occupancy of the premises using the bins. The owner or occupant of the premises shall keep all bins closed or covered at all times, sanitary, in good condition, identified as to ownership, emptied on a regular schedule as required by the council, and in compliance with weight limitations established by the council. (Ord. 76-7 §1(part), 1976: prior code §3-13)

8.12.050 Containers--Number. A. All premises shall have sufficient containers to hold all refuse created, produced, or accumulated on the premises between required removals. In determining the sufficiency of the number of containers required, the following minimum standards shall apply:

1. One-family and two-family dwellings, one standard container per dwelling unit;
2. Multiple-dwelling building, one standard container per dwelling unit unless a lesser number is authorized by the council;

3. Motel, hotel, trailer park, or mobile home park, one standard container per unit or space unless a lesser number is authorized by the council;

4. Business, not less than one standard container.

B. Customers may arrange for the use of bins instead of standard containers for refuse and may arrange for drop boxes for rubbish instead of standard containers. These arrangements shall be made with the refuse collector on the basis of charges established by the terms of the franchise or by resolution of the city, as the case may be. (Ord. 76-7 §1(part), 1976: prior code §3-14(a))

8.12.060 Containers--Garden refuse. Garden refuse may be in standard containers, bins, or in disposable containers. Plastic bag containers must be of sufficient strength so as not to come apart when lifted, whether dry or wet. Disposable containers shall not exceed three feet in length, two feet in diameter, or forty pounds in weight. Garden refuse which is not containerized shall be secured in bundles which will remain intact without separation while being removed by one man. Bundles may not exceed three feet in length, two feet in diameter, or forty pounds in weight. The maximum diameter of any limb shall not exceed four inches. (Ord. 76-7 §1(part), 1976: prior code §3-14(b)(part))

8.12.070 Containers--Restrictions. Any container in excess of the number of containers containing garbage, rubbish, and garden refuse, which the customer is entitled to have collected according to the charge he pays, shall contain only garden refuse. Garbage and rubbish shall not be deposited in any such garden refuse container. (Ord. 76-7 §1(part), 1976: prior code §3-14(b)(part))

8.12.080 Containers--Location. Refuse containers or garden refuse bundles shall not be placed or allowed to remain in or on any street or alley right-of-way unless authorized by the council. (Ord. 76-7 §1(part), 1976: prior code §3-16)

8.12.090 Containers--Marking. Standard containers and bins which the owner desires to have left on the premises by the refuse collector, shall have printed or marked thereon in figures at least two inches in height, and clearly legible, the street number of the premises to which the container belongs. The refuse collector may collect and remove any container which does not have the house number or business address plainly marked thereon as provided in this section. (Ord. 76-7 §1(part), 1976: prior code §3-19)

8.12.100 Special arrangements. The owner or occupant of a premises, or two or more such persons acting jointly, may request the council to approve a plan whereby special arrangements are made for effective and efficient refuse

removal. The proposed plan shall include a statement of expected charges and such other comments as the city manager considers appropriate. The council is authorized to grant variances to any provision of this chapter and to approve the proposed plan with such conditions as are deemed necessary. (Ord. 76-7 §1(part), 1976: prior code §3-15)

8.12.110 Placement. Subject to the prohibitions of Section 8.12.080, refuse shall be placed for collection in proper containers in the following manner:

A. On single-family and two-family premises:

1. Where alleys exist, upon the customer's premises immediately adjacent to and accessible from the alley without the necessity of entering the premises;

2. Where alleys do not exist, upon the customer's premises at a location no greater than fifty feet from the front property line and accessible to the refuse collector without the necessity of entering a fenced yard; provided, however, that garden refuse shall be placed at the front property line; and further provided, that the city administrator may approve an agreement between the customer and the refuse collector as to the location of refuse and garden refuse for collection. All containers shall be screened from public view in the manner approved by the city manager. If suitable screening is not feasible, the city manager may approve an unscreened location at which refuse may be placed, in which event, refuse or garden refuse shall be so located no earlier than the evening prior to the scheduled collection nor later than five a.m. of the collection day;

B. Standard containers and bins for service to multiple-dwelling premises and garbage-producing businesses shall be placed in a location no greater than fifty feet from the nearest point where the refuse collector's vehicle can reasonably be parked. Drop boxes shall be located as agreed upon between the customer and the refuse collector. In case of dispute, the location shall be as determined by the council;

C. Containers for required service may be placed on premises at a location other than as provided in subsections A and B of this section set forth as may be provided in the schedule of charges adopted by the council from time to time. (Ord. 76-7 §1(part), 1976: prior code §3-17)

8.12.120 Hazardous materials prohibited. No person shall deposit in any container used for refuse any explosive, highly flammable, radioactive, toxic, or other hazardous material or substance without having first made special arrangements for the disposal thereof with the refuse collector. No person shall deposit any such hazardous material in a disposal site without having first made

special arrangements for the disposal thereof with the disposal site operator. (Ord. 76-7 §1(part), 1976: prior code §3-18)

8.12.130 Hours. No collection shall be made in residential districts, as shown on the zoning map of the city, prior to six a.m. or after six p.m. No collections shall be made at schools, churches, offices, or commercial establishments in or adjacent to residential districts prior to five a.m. or after nine p.m. (Ord. 76-7 §1(part), 1976: prior code §3-20)

8.12.140 Use restrictions. Notwithstanding the provisions of Section 8.12.030, refuse may be used for animal feed, soil improvement, recycling, or other beneficial purpose; provided, such use complies with this chapter and all other laws. Except as authorized pursuant to Section 8.12.100, no person shall use, store, or transport refuse for any beneficial purpose without having a valid permit therefor issued by the city manager. The city manager shall issue or amend a permit upon terms and conditions as are determined to be necessary to insure that the use or the proposed use complies with existing laws and regulations and does not create a health menace or a nuisance. (Ord. 76-7 §1(part), 1976: prior code §3-21)

8.12.150 Transportation--Spill prevention. Refuse hauled by any person over any street or road in the city shall be securely tied or covered during the hauling thereof. No person shall allow refuse to leak, spill, blow off, or drop from any vehicle on any street or road. (Ord. 76-7 §1(part), 1976: prior code §3-22(a))

8.12.160 Transportation--Vehicle requirements. All collections by refuse collectors shall be made with vehicles of a design approved by the city manager. All collections shall be made as quietly as possible and the use of any unnecessarily noisy trucks or equipment is unlawful. (Ord. 76-7 §1(part), 1976: prior code §3-22(b))

8.12.170 Ownership. All refuse upon being removed from the premises where created, produced, or accumulated shall become and be the property of the refuse collector and upon being deposited in an authorized disposal site shall forthwith become the property of the owner of the site. (Ord. 76-7 §1(part), 1976: prior code §3-23)

8.12.180 Interference with containers prohibited. No person other than the owner or occupant of premises, an employee of the city, or an employee of the refuse collector shall tamper with or interfere in any manner with any refuse container or the contents thereof. (Ord. 76-7 §1(part), 1976: prior code §3-24(a))

8.12.190 Interference with collection prohibited. No person shall by any means hinder, obstruct, or interfere with the removal or transportation of refuse by a refuse collector. (Ord. 76-7 §1(part), 1976: prior code §3-24(b))

8.12.200 Inspection. The city manager may inspect or cause to be inspected, at regular intervals, refuse containers as to their fitness for use. (Ord. 76-7 §1(part), 1976: prior code §3-25(a))

8.12.210 Refusal to collect--Notice. A refuse collector shall notify the city manager whenever the collector has refused to pick up a container because the container is dilapidated, disintegrated, overloaded, contains dangerous material, or the container has been tipped over and the contents scattered. A refuse collector shall notify the city administrator when he observes any violations of this chapter. (Ord. 76-7 §1(part), 1976: prior code §3-25(b))

8.12.220 Refusal to collect--Marking. Whenever a refuse collector gives or intends to give a report to the city manager, he shall place a tag on the container or otherwise give the owner or occupant notice of the substance of his report to the city manager. Whenever an authorized representative of the city observes a violation of this chapter, he shall place a tag on the refuse container or otherwise give the owner or occupant notice of the illegal condition. The tag or other notice shall have a copy of the penalties set forth in this chapter printed upon it and shall inform the owner of the action necessary to correct the illegal condition. The owner or occupant shall, within seven days, correct the illegal condition. (Ord. 76-7 §1(part), 1976: prior code §3-25(c))

8.12.230 Collector franchise--Required. No person shall collect, transport, or use refuse in the incorporated area of the city without first receiving a franchise or permit to engage in such activity. The provisions of this section shall not apply to any person transporting refuse from his own premises as provided by Section 8.12.030. (Ord. 76-7 §1(part), 1976: prior code §3-26)

8.12.240 Collector franchise--Granting. A franchise agreement for a term not to exceed five years may be entered into for the collection and disposal of refuse in the city in accordance with and subject to the terms and conditions of this chapter. (Ord. 76-7 §1(part), 1976: prior code §3-27(a))

8.12.250 Collector franchise--Bid procedure. Before entering into such agreement, the city may, but shall not be required to, call for bids for a franchise. In the event the council elects to call for bids, the form of proposals and the time and place for receiving bids shall be fixed by resolution of the city council; a notice thereof shall be published one time in a newspaper published or circulated in the city, which notice shall specify the time the agreement is to run. The scheduled rates offered by each bidder shall be based upon classifications as may be designated by resolution of the council and the city council shall have the right to reject all bids. Where bids have been solicited and received and where the council has not elected to reject all bids, the franchise shall be awarded to the lowest qualified bidder. (Ord. 76-7 §1(part), 1976: prior code §3-27(b))

8.12.260 Collector franchise--Statement required. Prior to the granting of a franchise, the bidder, if any, or applicant, and on July 1st of each year after the grant, the franchise holder, shall file a statement of ownership, operational capability, and financial support and shall verify the same as being true and correct under penalty of perjury. The statement shall be in such form as may be prescribed therefor by the city manager. (Ord. 76-7 §1(part), 1976: prior code §3-27(c))

8.12.270 Collector franchise--Exclusivity. Within the city, the franchise holder shall have the exclusive right to make all collections which any owner or occupant may require pursuant to Section 8.12.030; however, as provided by Sections 3.12.290 through 3.12.310, other persons may be issued permits which can be exercised in the city. (Ord. 76-7 §1(part), 1976: prior code §3-27(d))

8.12.280 Collector franchise--Disposal requirements. The franchise holder shall dispose of all refuse collected as a result of collections required by Section 8.12.030 at a designated county owned or operated landfill; provided, however, the franchise holder may request and the council may issue a permit for disposal of such refuse as provided by Section 8.12.140. (Ord. 76-7 §1(part), 1976: prior code §3-27(e))

8.12.290 Permit--Granting. The council may grant a permit for collections other than those provided for by Section 8.12.030 to collect, transport, or use refuse or industrial refuse upon application therefor whenever in the opinion of the council the granting of such permit is in the public interest and welfare. (Ord. 76-7 §1(part), 1976: prior code §3-28(a))

8.12.300 Permit--Period. Permits may be granted for any period not to exceed one year. Permits may be renewed upon expiration thereof for a similar term; provided, that the council finds that the permit holder is capable of continuing operation in conformity with the provisions of this chapter and the rules and regulations of the council. (Ord. 76-7 §1(part), 1976: prior code §3-28(b))

8.12.310 Permit--Contents. Every permit granted by the council shall be subject to the provisions of this chapter and the rules and regulations of the council. The permit shall state:

- A. The name and address of the person to whom the permit is issued;
 - B. The activity authorized;
 - C. The area in which the activity is authorized;
 - D. The term for which the permit is granted;
 - E. Such other conditions as the council may provide.
- (Ord. 76-7 §1(part), 1976: prior code §3-28(c))

8.12.320 Permit--Application. Applicants for a permit or for the renewal of a permit to collect, transport, or use refuse shall file with the city manager a verified application in writing which shall give the following information:

- A. Name and description of the applicant;
- B. Permanent home and business address and full local address of the applicant;
- C. Trade and firm name;
- D. If a joint venture, a partnership, or limited partnership, the names of all partners and their permanent addresses. If a corporation, the names and permanent addresses of all the stockholders and the officers and the percentage of participation of each;
- E. A detailed explanation of the manner in which the applicant will conduct the activity for which the permit is requested;
- F. The applicant's arrangements for the disposal of all refuse collected or transported by him at an approved disposal site or his arrangements for other authorized disposal;
- G. Facts showing that the applicant is able to render efficient refuse service;
- H. That the applicant owns or has under his control in good mechanical condition sufficient equipment adequately to conduct the business for which a permit is requested;
- I. That his vehicles and equipment conform to all applicable provisions of this chapter;
- J. That the applicant shows to the satisfaction of the council that the issuance of a permit is in the public interest, and there is need for a permit to be issued;
- K. Such other facts or information as the council may require. (Ord. 76-7 §1(part), 1976: prior code §3-29)

8.12.330 Charges--Service required. A franchise holder shall provide refuse removal service to all premises situated within the city upon the request for such service by the owner or occupant. A franchise holder shall not be required to service oversize, overweight, or unsafe containers. A franchise holder shall not be required to continue to provide refuse removal if the owner or occupant has failed to pay the charges for service for a period of sixty days. Prior to terminating service for nonpayment of charges, the franchise holder shall, at least fifteen days prior to termination, provide written notice of intention to terminate, a copy of which shall be given to the city manager. (Ord. 76-7 §1(part), 1976: prior code §3-30)

8.12.340 Charges--Amount. Charges to customers of a franchise holder for refuse removal service shall be determined by the terms of the franchise. A basic charge shall be established by the council, payment of which shall entitle a customer to have the contents of one standard container and garden refuse without limit removed from his premises once a week by a refuse collector. The council may authorize a customer to receive reduced service for a reduced charge and may approve an agreement between the customer and the refuse collector to provide additional service for an additional charge. The charges may be revised by the council from time to time with the agreement of the franchise holder after a public hearing thereon and a determination by the council that a change is in the public interest. (Ord. 76-7 §1(part), 1976: prior code §3-31(a))

8.12.350 Charges--Determination. Charges to customers for rubbish removal service provided by the holder of a permit may be set by the council by resolution and may be revised by the council from time to time as it determines to be necessary. (Ord. 76-7 §1(part), 1976: prior code §3-31(b))

8.12.360 Charges--Uniformity required. All charges or fees for service by a refuse collector shall be uniform for the same services as fixed and approved by the council. Any customer contending that he has been required to pay an unreasonable charge for any service or has in any manner been subject to an overcharge, may file a written complaint with the council setting forth the facts of such alleged overcharge and the council shall notify the refuse collector of the complaint and shall investigate the matter of the complaint and shall determine the charge. (Ord. 76-7 §1(part), 1976: prior code §3-31(c))

8.12.370 Charges--Industrial. Charges for industrial refuse removal shall be negotiated between the collector and

the customer and shall not be subject to council determination or review. (Ord. 76-7 §1(part), 1976: prior code §3-31(d))

8.12.380 Fees--Franchise. To provide for the administration and enforcement of this chapter, the council may require that the holder of a franchise pay to the city a franchise fee based on percentage of gross receipts realized from services required to be furnished by this chapter or other reasonable basis. The amount of the franchise fee shall be one of the terms of the franchise. The franchise fee may be revised by the council from time to time after a public hearing thereon and a determination by the council that a change is in the public interest. (Ord. 76-7 §1(part), 1976: prior code §3-32(a))

8.12.390 Fees--Industrial permit. The permit fee for engaging in the business of collecting industrial waste shall be the sum of one hundred dollars per year, payable on July 1st of each year. In addition to the annual fee, the holder of a permit for engaging in the business of collecting industrial refuse shall pay annually to the city, within sixty days following the close of the fiscal year, an amount equivalent to five percent of the gross receipts derived from the furnishing of such industrial refuse collection services within the incorporated areas of the city. (Ord. 76-7 §1(part), 1976: prior code §3-32(b))

8.12.400 Fees--Permit. The permit fee for any other activity involving refuse shall be the sum of ten dollars per year, payable on July 1st of each year. (Ord. 76-7 §1(part), 1976: prior code §3-32(c))

8.12.410 Fees--Payment. Fees shall be paid to the city clerk who shall deposit them to the general fund or to such other fund as the council may designate. (Ord. 76-7 §1(part), 1976: prior code §3-32(d))

8.12.420 Bond required. A franchise holder shall post with the city a cash bond in the sum of ten thousand dollars or a surety bond in the same amount furnished by a corporate surety authorized to do business in the state, payable to the city. The bond shall be conditioned upon the full and faithful performance of his obligations of the applicable provisions of this chapter and the franchise agreement and shall be kept in full force and effect at all times. Permit holders shall file with the council a faithful performance bond or other form of security satisfactory to the council in an amount determined by the council not more than ten thousand dollars nor less than one thousand dollars. (Ord. 76-7 §1(part), 1976: prior code §3-33(a))

8.12.430 Insurance required. A. No franchise shall be issued under the provisions of this chapter, nor shall any franchise be valid after issuance unless there is at all times in force and effect to provide protection against liability for damages which may be imposed for the negligence of the franchise holder or his employees or agents a liability insurance policy or policies approved by the city and issued by an insurance company licensed to do business in the state.

B. Such policy or policies shall provide protection against liability of the franchise holder for the payment of damages in amounts, at least, as follows:

1. One hundred thousand dollars on account of bodily injuries to or death of one person;

2. Three hundred thousand dollars covering total liability of the franchise holder on account of bodily injuries to or death of more than one person as a result of any one accident;

3. Fifty thousand dollars for one accident resulting in damage or destruction of property, whether the property of one or more than one claimant.

C. A liability insurance policy required by this section shall inure to the benefit of any persons who are injured or sustain damage to property proximately caused by the negligence of the franchise holder insured by the policy, his employees or agents.

D. Satisfactory evidence that the liability insurance required by this section is at all times in full force and effect shall be furnished the council by the franchise holder.

E. The policy of insurance shall contain certain provisions against cancellation except upon ten days' prior written notice thereof to the city.

F. Permit holders shall comply with the provisions of this section; provided, however, that the council may authorize lesser amounts of insurance coverage as it deems appropriate. (Ord. 76-7 §1(part), 1976: prior code §3-33(b))

8.12.440 Transferability of franchise or permit. No franchise or permit granted pursuant to the provisions of this chapter and no ownership interest in any franchise or permit holder shall be sold, transferred, leased, assigned, mortgaged, pledged, hypothecated, or otherwise encumbered or disposed of in whole or in part, directly or indirectly, whether voluntarily or by operation of law or through any stock transfer, transfer in trust, change in control, consolidation or merger, without the prior written consent of the council. The council may grant or deny such a request and may impose conditions as it may deem to be in the public interest. Any disposition made without consent shall constitute good cause for revocation of the affected franchise or permit. (Ord. 76-7 §1(part), 1976: prior code §3-35)

8.12.450 Revocation of franchise. In the event of suspension or revocation of a franchise, the city shall have the right forthwith to take possession of all trucks and other equipment of the franchise holder for the purpose of collecting and disposing of refuse and performing all other duties which the franchise holder is obligated to perform. The city shall have the right to retain possession of such trucks and equipment until other suitable trucks and equipment can be purchased or otherwise acquired by the city for such purpose. The city shall pay the franchise holder a reasonable rental for the use of such trucks and equipment. (Ord. 76-7 §1(part), 1976: prior code §3-36)

8.12.460 Employee requirements. The city may, at its option, require photographing and fingerprinting of applicants for a franchise or permit and of the employees of the franchise holder or permit holder. (Ord. 76-7 §1(part), 1976: prior code §3-34)

8.12.470 Interruption of service--Labor dispute. In the event the refuse collection of a franchise holder is interrupted by a labor dispute and scheduled collections are discontinued for more than seventy-two hours, the city shall have the right to forthwith take temporary possession of all facilities and equipment of the franchise holder for the purpose of continuing the service which the franchise holder has agreed to provide in order to preserve and protect the public health and safety. The city has the right to retain possession of such facilities and equipment and to render the required services until the franchise holder can demonstrate to the satisfaction of the city that required services can be resumed by the franchise holder; provided, however, that the temporary assumption of the franchise holder's obligations under the franchise shall not be continued by the city for more than one hundred twenty days from the date such operations were undertaken. Should the franchise holder fail to demonstrate to the satisfaction of the city that required services can be resumed by the franchise holder prior to the expiration of the one hundred twenty days, the rights and privileges granted to the franchise holder may be forfeited and the franchise may be revoked. (Ord. 76-7 §1(part), 1976: prior code §3-37(a))

8.12.480 Interruption of service--City responsibility. During any period in which the city has temporarily assumed the obligations of the franchise holder under Sections 8.12.470 through 8.12.490, the city shall be entitled to the gross revenue attributable to operations during such period and shall pay therefrom only those costs and expenses, including a reasonable rental for use of trucks and equipment, applicable or allocable to the period. The excess, if any, of revenue over applicable or allocable

costs and expenses during such period shall be deposited in the treasury of the city to the credit of the general fund. Final adjustment and allocation of gross revenue, costs, and expenses to the period during which the city temporarily assumed the obligations of the franchise holder shall be determined by an audit by a certified public accountant or licensed public accountant and prepared in report form with his opinion annexed thereto. (Ord. 76-7 §1(part), 1976: prior code §3-37(b))

8.12.490 Interruption of service--Employee use. Employees of the franchise holder may be employed by the city during any period in which the city temporarily assumes the obligations of the franchise holder under this chapter; provided, however, that the rate of compensation to be paid such employees, or any other employees, shall be the rate or rates in effect at the time the franchise holder's service was interrupted by the labor dispute and the terms and conditions of employment shall be the same as provided by the franchise holder. (Ord. 76-7 §1(part), 1976: prior code §3-37(c))

8.12.500 Recordkeeping. Each person granted a franchise or permit under the provisions of this chapter shall maintain detailed records of all receipts and expenditures received or incurred in the operation of such business, including all fees collected for services rendered. The city, its officers and employees shall be entitled to inspect, audit, and copy such books and records upon reasonable notice during normal business hours. (Ord. 76-7 §1(part), 1976: prior code §3-38(a))

8.12.510 Audit required. A franchise holder shall annually provide the city with a copy of an audit within sixty days after the close of the holder's fiscal year. The audit shall be prepared by a certified public accountant or licensed public accountant who has annexed his opinion thereto. The accountant shall be entirely independent of the franchise holder, shall not be an employee directly or indirectly of the franchise holder, and shall have no financial interest whatsoever in the business of the franchise holder. The city shall specify the form and detail of the annual audit. In the event of failure to provide any such annual audit, the city may employ a qualified accountant or the county auditor to conduct the audit and the franchise holder in such case shall be liable for and shall pay the costs and expenses of the audit. (Ord. 76-7 §1(part), 1976: prior code §3-38(b))

8.12.520 Vehicles--Requirements. All refuse collection shall be made with a vehicle and equipment of a design approved by the council. All refuse collections

shall be made as quietly as possible and noise abatement shall be a consideration of vehicle and equipment inspections and approval. Vehicles transporting garbage shall be kept clean and sanitary and shall be disinfected immediately after being used. (Ord. 76-7 §1(part), 1976: prior code §3-39)

8.12.530 Vehicles--Cleanliness. All trucks of a franchise holder shall be clean, sanitary, and well painted. The franchise holder shall have printed or stencilled in a prominent place on the exterior of each vehicle used by him in the collection of refuse the following information in four-inch letters:

Truck # _____
Refuse Collector (name) _____

(Ord. 76-7 §1(part), 1976: prior code §3-40(a))

8.12.540 Vehicles--Inspection. All vehicles and equipment of a franchise or permit holder shall be inspected at a place designated by the city manager at least once each year. Vehicles and equipment shall conform to the requirements of the California Vehicle Code, this chapter, and rules or regulations of the council. (Ord. 76-7 §1(part), 1976: prior code §3-40(b))

8.12.550 Vehicles--Equipment required. The holder of a franchise or permit shall equip each vehicle hauling refuse with a shovel, broom, and fire extinguisher of a type approved by the council. (Ord. 76-7 §1(part), 1976: prior code §3-40(c))

8.12.560 Name restrictions. A franchise or permit holder shall not use a firm name containing the words "city" or "Hughson" or other words implying city ownership. The franchise or permit holder shall establish and maintain an office where service may be applied for and complaints made. The office shall be equipped with a listed telephone to which calls from city residents may be placed without payment of a toll charge and shall have a responsible person in charge between the hours of eight a.m. and five p.m. of each day except Saturdays, Sundays, and holidays. (Ord. 76-7 §1(part), 1976: prior code §3-41(a))

8.12.570 Service records. A franchise holder shall supply the city manager with the name of the owner or occupant of each premises served, the address of the property, and with current maps and schedules of collection routes. (Ord. 76-7 §1(part), 1976: prior code §3-41(b))

8.12.580 Information card. A franchise holder shall supply every occupant of premises served under his franchise

a printed information card stating the amounts of refuse which will be collected, rates, regulations affecting collections, days of collections, and complaint procedures. Such cards shall be provided when service is initiated and be replaced in advance of any changes of collection days, rates, or regulations affecting collections. (Ord. 76-7 §1(part), 1976: prior code §3-41(c))

8.12.590 Billing. Refuse collectors may bill a customer and collect service charges in accordance with the rates adopted by the council for refuse removal service. A franchise holder and the city may enter into an agreement whereby the city will bill the customer and pay the refuse collector for services rendered. Such an agreement shall set forth the respective duties and responsibilities of the franchise holder and city regarding the billing and collection of such charges. (Ord. 76-7 §1(part), 1976: prior code §3-42)

8.12.600 Enforcement. The health officer of the Stanislaus County health department is designated to enforce all health-related violations of this chapter. (Ord. 76-7 §1(part): prior code §3-43)

Chapter 8.16

UNIFORM FIRE CODE AND FIRE SAFETY REGULATIONS

Sections:

- 8.16.010 Definitions.
- 8.16.020 Uniform Fire Code adopted.
- 8.16.030 Copies on file.
- 8.16.040 Deletions from Uniform Fire Code.
- 8.16.050 Conflicting provisions deleted.
- 8.16.060 Amendments to Uniform Fire Code.
- 8.16.070 Additions to Uniform Fire Code.
- 8.16.080 Fire hazards.
- 8.16.090 Leaving fire unattended prohibited.
- 8.16.100 Allowing fire to escape prohibited.
- 8.16.110 Interfering with fire extinguishing.
- 8.16.120 Firebreaks around structures.
- 8.16.130 Assistance at fires.
- 8.16.140 Fuel tank standards.
- 8.16.150 Homes--Inspection required.
- 8.16.160 Homes--Fire alarms required.
- 8.16.170 Day care--Fire alarms required.
- 8.16.180 Enforcement.

- 8.16.190 Arrest powers.
- 8.16.200 Authority to carry firearms.
- 8.16.210 Penalty for violation.
- 8.16.220 Continued violations.

8.16.010 Definitions. Certain words and phrases are defined in this section to clarify their use in this chapter and in the Uniform Fire Code. Where a definition is not given or where a question of interpretation arises, the definition that shall control is the normal meaning of the word within the context of its use.

A. "Chief" or "chief of the fire department" or "fire chief" means and includes, depending upon the context of its use, the Stanislaus County fire warden, his paid deputies, and/or the chief of the Hughson Fire Protection District.

B. "Code" means and includes, depending upon the context of its use, the Hughson Municipal Code, or any statute, or any published compilation of rules, regulations or standards adopted by the federal government or the state, or by any agency of either of them. "Code" shall include any nationally recognized or approved published compilations of proposed rules, regulations or standards of any private organization or institution that has been in existence for a period of at least three years.

C. "Secondary code" means and includes any code that is incorporated by reference, directly or indirectly, in whole or in part, in the Uniform Fire Code.

D. "Published" means issued in print, lithographed, multigraphed, mimeographed, or similar form.

E. "Uniform Fire Code" means that certain document in book form entitled Uniform Fire Code, 1982 Edition, published by the International Conference of Building Officials and the Western Fire Chiefs Association. (Ord. 86-06 §1(part), 1986)

8.16.020 Uniform Fire Code adopted. The Uniform Fire Code is hereby adopted by reference, except as hereinafter in this chapter amended, deleted, and added to. The Uniform Fire Code, except as amended, deleted and added to, shall govern the storage, use and handling of dangerous and hazardous materials, substances, devices and processes, certain maintenance of buildings and certain equipment, and adequate egress from buildings. (Ord. 86-06 §1(part), 1986)

8.16.030 Copies on file. At least one copy of the Uniform Fire Code, and of each secondary code pertaining thereto, all certified to be true copies by the city clerk, shall be filed in the city clerk's office and shall be kept there for public inspection during regular business hours. The city clerk shall at all times maintain a reasonable supply of copies of the Uniform Fire Code, and of each secondary code pertaining thereto, available for purchase by the

public at a moderate price, not to exceed the actual cost thereof to the city. (Ord. 86-06 §1(part), 1986)

8.16.040 Deletions from Uniform Fire Code. The following sections and appendices of the Uniform Fire Code are deleted therefrom and are not adopted:

A. Sections 11.203(a), 24.102, 25.101, 26.102, 27.102, 28.102, 29.102, 30.101, 31.102, 32.101, 33.102, 34.101, 36.101, 45.102, 46.102, 47.102, 48.102, 50.103, 63.103, 74.103, 76.102, 77.104, 78.102, 79.103, 79.1002, 79.1102, 79.1201, 79.1803, 80.102, 81.103, 82.102 and 83.101 relating to permits for special use;

B. Section 11.101(a) relating to open burning and incinerators;

C. Section 11.105(a), (b), (c), (d) and (e) relating to open burning and incinerators;

D. Sections 11.107 through 11.113 relating to open burning and incinerators;

E. Section 11.115 relating to attendants for fires;

F. Section 34.104 relating to burning of autos, junk and waste materials;

G. Sections 77.101 through 77.306 relating to explosives and blasting agents;

H. Sections 78.101 through 78.106 relating to fireworks; and

I. Appendix VI-B relating to the model citation program. (Ord. 86-06 §1(part), 1986)

8.16.050 Conflicting provisions deleted. Any other provisions of the Uniform Fire Code, or of any secondary codes pertaining thereto, that are in conflict or inconsistent with, or the subject matter of which is regulated by the laws of the state, are deleted therefrom and are not adopted. (Ord. 86-06 §1(part), 1986)

8.16.060 Amendments to Uniform Fire Code. The following sections of the Uniform Fire Code are amended to read as follows:

Section 2.302. In order to determine the suitability of alternate materials and type of construction and to provide for reasonable interpretations of the provisions of the Uniform Fire Code as amended by this chapter, there shall be, and there is hereby created, a board of appeals consisting of five members who are qualified by experience and training to pass upon matters pertaining to the Uniform Fire Code, and related documents, and one public member. The fire chief shall be an ex-officio member and shall act as secretary of the board. The board of appeals shall be appointed by the city council and shall hold office at its pleasure. The board of appeals shall adopt reasonable rules and

regulations for conducting its investigation and shall render all decisions and findings in writing to the fire chief with a duplicate copy to the appellant and may recommend to the city council such new legislation as is consistent therewith.

Section 3.101. Any person operating or maintaining any occupancy, premises or vehicle subject to this code who shall permit any fire hazard to exist on premises under his control or who shall fail to take immediate action to abate a fire hazard when ordered or notified to do so by the chief or his duly authorized representative shall be guilty of an infraction; provided, however, that violation of any of the following sections of the Uniform Fire Code shall be a misdemeanor: Section 2.107, 10.102, 11.102, 11.103, 11.104, 11.301, 11.302, 11.401, 11.402, and all sections of Articles 25, 77, and 78.

Section 4.101. It shall be unlawful for any person, firm or corporation to use a building or premises or engage in any activities for which a permit is required by this code without first having obtained such permit. Permits are required from the chief.

Section 4.103. All applications for a permit required by this code shall be made to the chief in such form and detail as he shall prescribe. Applications for permits shall be accompanied by such plans as may be requested by the chief.

Section 10.301(c). An approved water supply capable of supplying required fire flow for fire protection shall be provided to all premises upon which buildings or portions of buildings are hereafter constructed. When any portion of the building protected is in excess of 150 feet from a water supply on a public street, there shall be provided on-site fire hydrants and mains capable of supplying required fire flow. In areas where no water system is available and the total water supply required for fire protection exceeds 4,000 gallons static reserve, water supply shall be provided on site.

Water supply may consist of reservoirs, pressure tanks, elevator tanks, water mains or other fixed systems capable of supplying their required fire flow. In setting the requirements for fire flow, the chief shall be guided by the standard established by the Fire Safety Department for required fire flow, and the National Fire Protection Association Standard #1231 "Water Supplies for Rural and Suburban Fire Fighting."

Section 10.306. All mobile home and recreational vehicle parks shall provide and maintain hydrants and access roads in accordance with Sections 10.207 and 10.301.

EXCEPTION: Recreational vehicle parks located in remote areas shall be provided with protection per N.F.P.A. #1231, and access roadways in accordance with Section 10.207.

Section 10.307(a)2. Hotels either two stories or more in height or containing 20 or more guest rooms.

Section 11.201(d). Commercial dumpsters and containers with an individual capacity of 1.5 cubic yards or greater shall not be stored or placed within 5 feet of combustible walls, openings, or combustible roof eave lines. Dumpsters shall not be stored in any type of building.

EXCEPTION: Areas containing dumpsters or containers protected by an approved automatic sprinkler system.

Section 11.403(a). It shall be unlawful to transport, or permit to be transported, or towed, any asphalt kettle beneath which is maintained any open fire, heated coals, or ashes, or which has fuel lines connected to the kettle, over any highway, road, or street. Asphalt kettles shall not be used inside of any building, or under, or on the roof of any building. There shall be at least one approved fire extinguisher or a minimum 20 B:C classification within 30 feet of each asphalt kettle during the period such kettle is in use, and one additional 20 B:C classification fire extinguisher on the roof being covered.

Section 12.104(b) EXCEPTION 1: This requirement shall not apply to exterior exit doors in a Group B Occupancy if there is a readily visible, durable sign on or adjacent to the door, stating "THIS DOOR TO REMAIN UNLOCKED DURING BUSINESS HOURS." The sign shall be in letters not less than 1 inch high on a contrasting background. The locking device must be of a type that will be readily distinguishable as locked. The use of this exception may be revoked by the chief for due cause.

Section 25.106(b)2. EXCEPTION: In Group A, Divisions 2.1 and 3 Occupancies, such as restaurants, bars, bowling alleys, auditoriums and similar commercial uses, and in churches, panic hardware may be omitted from the main exit when the main exit consists of a single door.

A key locking device may be used in place of the panic hardware, provided there is a readily visible metallic sign adjacent to the doorway stating THIS DOOR MUST REMAIN UNLOCKED DURING BUSINESS HOURS. The sign shall be in letters not less than 1 inch high on a contrasting background. When unlocked, a single door must be free to swing without operation of any latching device. Flush, edge or surface bolts or any other type of device that may be used to close or restrain the doors, other than by operation of the locking device, are prohibited. The use of this exception may be revoked by the chief.

Section 35.102(a)(4). Kept free from all combustible waste and be kept broom-swept clean. Unoccupied tenant spaces shall have the sprinkler system complete prior to occupancy of the wall.

Section 49.107(m). A 5B:C fire extinguisher shall be mounted on all portable welding and cutting carts.

Section 79.201.(a). This division shall apply to the storage of flammable and combustible liquids in drums or other containers not exceeding 60-gallon individual capacity and the storage of portable tanks not exceeding 1000 gallons aggregate. For the purpose of this article, flammable aerosols and unstable liquids shall be treated as Class I-A liquids.

EXCEPTIONS:

1. Liquids in the fuel tanks of motor vehicles, aircraft, boats, or portable or stationary engines.
2. Alcoholic beverages in retail sales or storage uses, provided the liquids are packaged in individual containers not exceeding 4 liters.
3. Medicines, foodstuffs and cosmetics, containing not more than 50 percent by volume of water-miscible liquids and with the remainder of the solution not being flammable, in retail sales or storage uses when packaged in individual containers not exceeding 4 liters.
4. The storage of liquids that have no fire point when tested in accordance with U.F.C. Standard No. 9-6.
5. The storage of distilled spirits and wines in wooden barrels or casks.

Portable tanks exceeding 1000 gallons aggregate shall comply with Division V.

Section 79.501. The storage of Class I and Class II liquids in aboveground tanks outside of buildings is prohibited within the city. All existing nonconforming tanks that substantially comply with or are made to

comply with the requirements of this code may be continued in use, and a permit therefor shall be granted.

Section 79.902(c). When installation of tanks in accordance with Division VI is impractical or because of property or building limitations, tanks for Class I, II or III-A liquids may be installed in buildings or aboveground outside of buildings if enclosed as follows: Enclosure shall be liquid tight and vapor tight without backfill. Sides, top and bottom of the enclosure shall be of reinforced concrete at least 6 inches thick, with openings for inspection through the top only. Tank connections shall be so piped or closed that neither vapors nor liquid can escape into the enclosed space. Means shall be provided whereby portable equipment may be employed to discharge to the outside any vapors which might accumulate should leakage occur.

Tanks containing Class I, II or III-A liquids shall not exceed 1000 gallons aggregate.

Section 79.903(b). The dispensing of Classes I and II liquids into the fuel tank of a vehicle or into a container shall at all times be under the supervision of a qualified attendant. Service stations not open to the public do not require an attendant or supervisor. Such stations may be used by commercial, industrial, governmental or manufacturing establishments for fueling vehicles used in connection with their business. The attendant's primary function shall be to supervise, observe and control the dispensing of Classes I and II liquids while said liquids are being dispensed. It shall be the responsibility of the attendant to prevent the dispensing of Classes I and II liquids into portable containers not in compliance with Section 79.902(e), to control sources of ignition, and to immediately handle accidental spills and fire extinguishers, if needed. If the dispensing of Classes I and II liquids at a service station available and open to the public is to be done by a person other than the service station attendant, the nozzle shall be a listed automatic-closing type, without a latch-open device.

Section 79.1206

(a) No person shall leave a tank vehicle unattended on any street, highway, avenue or alley, except that this shall not prevent:

(1) Stops for meals during the day or night, if the street is well lighted at the point of parking.

(2) When, in case of accident or other emergency, the operator must leave to obtain assistance.

(b) No person shall park a tank vehicle at any one point for longer than one hour except:

(1) Inside a bulk plant and twenty-five feet from the property line or within a building approved for such use.

(2) At other approved locations not less than fifty feet from any building except those approved for the storage or servicing of such a vehicle.

(3) When, in case of breakdown or other emergency, the operator must leave the vehicle to take necessary action to correct the emergency.

(c) Tank vehicles shall not be parked or garaged in any building other than those specifically approved for such use by the chief.

(d) Tank vehicles used for flammable and combustible liquids shall be repaired only in locations approved by the chief.

(Ord. 86-06 §1(part), 1986)

8.16.070 Additions to Uniform Fire Code. The following sections are hereby added to the Uniform Fire Code to read as follows:

Section 4.101.18.F. To install, alter, remove, abandon, place temporarily out of service or otherwise dispose of any special enclosure in buildings or above-ground outside of buildings. See Article 79.

Section 11.201(e). Every building or portion of a building governed by these regulations shall be maintained in a neat and orderly manner, free from any condition that would create a fire or life hazard or conditions which would add to or contribute to the rapid spread of fire.

Section 79.1204(n). Tank vehicles shall be parked on private property while being unloaded. It shall be unlawful to unload any tank vehicle while it is parked on any street, highway, avenue, alley, or other public right-of-way. While a tank vehicle is being unloaded, it shall not be parked in such a manner as to be endangered by other traffic.

(Ord. 86-06 §1(part), 1986)

8.16.080 Fire hazards. The fire chief may order the operation or use stopped, or the evacuation, of any premises, building or vehicle or portion thereof that has or is a fire hazard. (Ord. 86-06 §1(part), 1986)

8.16.090 Leaving fire unattended prohibited. It is unlawful to leave, or cause or permit to be left, any outdoor or open fire unattended by an adult person. Before leaving any such fire, the person or persons in charge of the fire

shall thoroughly extinguish same by completely covering it with dirt, saturating it with water, or otherwise treating it in a manner to prevent rekindling of the fire. (Ord. 86-06 §1(part), 1986)

8.16.100 Allowing fire to escape prohibited. It is unlawful for any person to allow a fire kindled or attended by him to escape from his control or to spread to the lands of another. (Ord. 86-06 §1(part), 1986)

8.16.110 Interfering with fire extinguishing. It is unlawful for any person at the scene of any fire to disobey the lawful orders of the fire chief, or of his duly authorized agents; to offer any resistance to or interference with the lawful efforts of the fire chief to extinguish any fire; to engage in any disorderly conduct calculated to prevent any fire from being extinguished; or to forbid, prevent, or dissuade others from assisting in extinguishing any fire. (Ord. 86-06 §1(part), 1986)

8.16.120 Firebreaks around structures. Any person owning, leasing, controlling, operating or maintaining any cabin, house, hotel, apiary, incinerator, or other building or structure upon or adjoining any forest, or brush-covered land, or land covered with flammable growth, and any person owning, leasing or controlling any land adjacent to such structures, shall at all times maintain on such land around and adjacent to such cabin, house, hotel, apiary, incinerator, building or structure an effective fire protection or fire-break, made by removing and clearing away, for a distance therefrom of not less than thirty feet on each side thereof, flammable vegetation or growth or other combustible material. (Ord. 86-06 §1(part), 1986)

8.16.130 Assistance at fires. The fire chief, and his duly authorized agents, shall have authority to call upon able-bodied male persons between the ages of nineteen and fifty years in the city for assistance in putting out fires, and it shall be the duty of such persons to obey such summons. (Ord. 86-06 §1(part), 1986)

8.16.140 Fuel tank standards. It is unlawful for any person, firm or corporation in the city, whose business it is to distribute flammable liquids for the purpose of refueling storage tanks, to fill tanks that are not properly installed in accordance with this chapter, and in a manner that meets all recognized good safety standards. (Ord. 86-06 §1(part), 1986)

8.16.150 Homes--Inspection required. Homes for the full care of six or fewer individuals shall be required to have an inspection by the fire chief. (Ord. 86-06 §1(part), 1986)

8.16.160 Homes--Fire alarms required. Homes for the full care of six or fewer individuals shall have an approved product of combustion detector fire alarm device installed and placed, as to location of such unit or units, as required by the fire chief. (Ord. 86-06 §1(part), 1986)

8.16.170 Day care--Fire alarms required. All day care centers that provide sleeping area shall have an approved product of combustion detector fire alarm device installed and placed, as to location of such unit or units, as required by the fire chief. (Ord. 86-06 §1(part), 1986)

8.16.180 Enforcement. The fire chief is empowered, and it shall be his duty, to enforce the provisions of this chapter. Any person whose duty it is to enforce the provisions of this chapter may, at any reasonable time, enter upon private property for such purpose. It is unlawful for any person to interfere with, oppose or resist any authorized person enforcing this chapter. (Ord. 86-06 §1(part), 1986)

8.16.190 Arrest powers. Pursuant to the provisions of California Penal Code Section 836.5, the fire chief is authorized to arrest without a warrant and issue a written notice to appear whenever he has reasonable cause to believe that the person to be arrested has committed a misdemeanor in his presence which is a violation of this chapter or a violation of any other ordinance or statute which he has a duty to enforce. (Ord. 86-06 §1(part), 1986)

8.16.200 Authority to carry firearms. Pursuant to the provisions of Section 830.3 of the California Penal Code, the fire chief and such employees as he may designate, in writing, are authorized to carry weapons when acting in the course and scope of their employment. (Ord. 86-06 §1(part), 1986)

8.16.210 Penalty for violation. It is unlawful for any person to violate any of the provisions of the Uniform Fire Code or of this chapter, or to violate or fail to comply with any order made thereunder, or to build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or to violate any of the provisions of a certificate or permit issued thereunder. Any such person, for each and every violation and noncompliance respectively, shall be guilty of a misdemeanor, except as noted in Section 3.101 of the Uniform Fire Code, punishable by a fine of not more than one thousand dollars, or by imprisonment for not more than six months, or by both fine and imprisonment. (Ord. 86-06 §1(part), 1986)

8.16.220 Continued violations. The imposition of one penalty for any violation shall not excuse the violation or

permit it to continue, and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense. (Ord. 86-06 §1(part), 1986)

Title 9

PUBLIC PEACE, MORALS, AND WELFARE

Chapters:

- 9.04 Gambling and Bingo
- 9.05 Arcades and Amusement Devices
- 9.08 Curfew
- 9.12 Discharging Weapons
- 9.16 Parades and Assemblies
- 9.20 Offenses Against Canine Units
- 9.24 Consumption and Possession of Alcoholic Beverages
- 9.26 Vicious Dogs
- 9.28 Picture Arcades

Chapter 9.04

GAMBLING AND BINGO

Sections:

- 9.04.010 Definitions.
- 9.04.020 Construction.
- 9.04.030 Gambling house, game room, card room prohibited.
- 9.04.040 Permitting use as a gambling house, game room or card room prohibited.
- 9.04.050 Betting prohibited.
- 9.04.060 Private games permitted.
- 9.04.070 Game rooms permitted for charitable purposes.
- 9.04.080 Bingo games permitted for charitable purposes.
- 9.04.090 Permit required.
- 9.04.100 Organizations eligible for permit.
- 9.04.110 Application for permit.
- 9.04.120 Contents for application.
- 9.04.130 Investigation of applicant.
- 9.04.140 Contents of permit.
- 9.04.150 Appeal of permit.
- 9.04.160 Game rooms or bingo rooms conducted only on permittee's property.
- 9.04.170 Summary suspension and/or revocation of permit.
- 9.04.180 Appeal of revocation to city council.
- 9.04.190 Hours of operation.
- 9.04.200 Members operating and staffing bingo games.
- 9.04.210 Advertising.
- 9.04.220 Access to game rooms.

- 9.04.230 Access to bingo games.
- 9.04.240 Attendance limited to occupancy capacity.
- 9.04.250 Participants.
- 9.04.260 Method of operation.
- 9.04.270 Maximum amount of prize for bingo games.
- 9.04.280 Profits and proceeds to be kept in special fund or account.
- 9.04.290 Inspection of books, records, or accounts.
- 9.04.300 Restricted financial interests.
- 9.04.310 Rules and regulations.
- 9.04.320 Penal Code Section 326.5.
- 9.04.330 Violation.

9.04.010 Definitions. Certain words and phrases are defined in this section to clarify their use in this chapter. Where a definition is not given or where a question of interpretation arises, the definition that shall control is the normal meaning of the word within the context of its use.

A. "Bingo" and "bingo game" means and includes a game of chance in which prizes are awarded on the basis of designated numbers or symbols on a card which conform to numbers or symbols selected at random. The game of bingo shall include cards having numbers or symbols which are concealed and preprinted in a manner providing for distribution of prizes. The winning card shall not be known prior to the game by any person participating in the playing or operation of the bingo game.

B. "Cards" means and includes any type of playing cards and any game played with cards, except the games known as "bridge" and "whist."

C. "Commence" means and includes commence, begin, initiate, start, open, and establish.

D. "Conduct" means and includes conduct, transmit, maintain, prosecute, practice, manage, operate, and carry on.

E. "Employee" means every person, either an agent, servant, employee, or otherwise, of the owner or operator, as owner or operator, or under the direction of the owner or operator of any game room or bingo game.

F. "Nonprofit organization" means and includes any nonprofit organization exempted from the payment of the bank and corporation tax by Sections 23701a, 23701b, 23701d, 23701e, 23701f, 23701g and 237011 of the California Revenue and Taxation Code.

G. "Purport to commence" and "purport to conduct" means and includes a showing, representation, indication, or action which:

1. By means of sign, advertisement, or advertising matter, whether in, upon, or about any premises or otherwise; or

2. By the appearance or arrangement of any premises; or
3. By acts or statements of any person, or by the employee of any person, indicates, suggests, holds out, or

represents that any person is, would be, or appears to be conducting or in a position to conduct any activity referred to in this chapter within the city. (Ord. 84-09 §2(part), 1984)

9.04.020 Construction. No provision of this chapter shall be construed to prohibit any act made unlawful by any general law of the state of California. Rather, this chapter is intended to be supplemental to the general law of the state of California. (Ord. 84-09 §2(part), 1984)

9.04.030 Gambling house, game room, card room prohibited. No person shall keep, conduct, or maintain any house, room, apartment, or place, used in whole or in part as a gambling house or place where any game is played, conducted, dealt, or carried on with cards, dice, dominoes, or other device for any money, checks, chips, credit, or anything representative of value, as a result of which game chance is any determining factor, except as otherwise specifically provided in this chapter. (Ord. 84-09 §2(part), 1984)

9.04.040 Permitting use as a gambling house, game room or card room prohibited. No person shall knowingly permit any house, room, apartment, or place owned by him or under his charge or control to be used in whole or in part as a gambling house or place of playing, conducting, dealing, or carrying on with cards, dice, dominoes, or other device for money, checks, chips, credit, or anything representative of value, as a result of which game chance is any determining factor, except as otherwise specifically provided in this chapter. (Ord. 84-09 §2(part), 1984)

9.04.050 Betting prohibited. No person shall deal, operate, attend, play, or bet against any game, as a result of which game chance is any determining factor, which game is played, conducted, dealt, or carried on with cards, dice, dominoes, or other device for money, checks, chips, credit, or anything representative of value in any house, room, apartment, or place, except as otherwise specifically provided in this chapter. (Ord. 84-09 §2(part), 1984)

9.04.060 Private games permitted. Notwithstanding any other provision of this chapter, any person may conduct occasional private games, otherwise lawful, carried on for purely social purposes in a private home. Nor shall the provisions of this chapter apply to otherwise lawful games, other than card games, conducted by a private group of customers for the sole purpose of determining which member of the group shall pay for food, refreshments, or beverages for immediate consumption by the group. (Ord. 84-09 §2(part), 1984)

9.04.070 Game rooms permitted for charitable purposes. Notwithstanding any other provision of this chapter, nonprofit organizations may conduct game rooms wherein games not in conflict with any state law may be played and conducted. All game rooms shall be incidental to the other activities of the conducting nonprofit organization and shall be operated solely for charitable purposes in accordance with the provisions of this chapter. (Ord. 84-09 §2(part), 1984)

9.04.080 Bingo games permitted for charitable purposes. Notwithstanding any other provision of this chapter, pursuant to Section 19, Article IV of the California Constitution and Section 326.5 of the California Penal Code, nonprofit organizations, mobile home park associations, and senior citizen organizations may conduct bingo games solely for charitable purposes in accordance with the provisions of this chapter. (Ord. 84-09 §2(part), 1984)

9.04.090 Permit required. No person, firm, corporation, organization, or association shall engage in, carry on, maintain, conduct, or cause to be engaged in, carried on, maintained, or conducted, either game rooms or bingo games in the city without first obtaining a permit in accordance with the requirements of this chapter, and without complying with the rules and regulations contained or authorized herein pertaining to the operation of either game rooms or bingo games. Any such permit shall allow either bingo games or a game room, but not both. (Ord. 84-09 §2(part), 1984)

9.04.100 Organizations eligible for permit. A permit to conduct game rooms may be issued only to nonprofit organizations. A permit to conduct bingo games may be issued only to nonprofit organizations, mobile home park associations, and senior citizens organizations. (Ord. 84-09 §2(part), 1984)

9.04.110 Application for permit. Applications for a regular or special permit to conduct either game rooms or bingo games shall be submitted to the city manager or his authorized representative on forms to be provided. The city council may, by resolutions adopted from time to time, fix the permit fees, if any, which shall accompany the application. A regular permit may be issued for a term of one year from the date of issuance, subject to renewal and payment of the permit fees, to allow for the regular operation of either game rooms or bingo games. A special permit may be issued for a term of three days from the date of issuance to allow for the one-time operation of either game rooms or bingo games as a part of a charitable event. The permit

fees for bingo games shall be subject to the limitations set forth in California Penal Code Section 326.5(1). (Ord. 84-09 §2(part), 1984)

9.04.120 Contents for application. The application for a permit to conduct either game rooms or bingo games shall contain the following:

A. The name and mailing address of the applicant organization;

B. Proof that the applicant organization is an eligible nonprofit organization, including a letter or other evidence from the State Franchise Tax Board showing that the applicant is exempted from the payment of the bank and corporation tax by a pertinent section of the California Revenue and Taxation Code. If the applicant organization is a mobile home park association or senior citizens organization, other proof shall be provided as required by the city manager or his authorized representative;

C. A list of the duly elected officers of the applicant organization supplied by the secretary thereof, if applicable;

D. The signatures of at least two officers, including the presiding officer of the applicant organization;

E. The location, including the street number, of the specific property within the city owned or leased by the applicant organization, or property whose use is donated to the applicant organization, on which either game rooms or bingo games will be conducted. In addition, applications shall include the occupancy capacity of the room in which the games or bingo will be played;

F. A statement certified by an authorized agent of the applicant organization that the applicant organization has received and reviewed copies of this chapter, the authorized rules of play for either game rooms or bingo games, and Penal Code Section 326.5, and has been advised that a permit granted under this chapter may be revoked by the city manager or his authorized representative upon violation of any of the pertinent provisions of this chapter or the permit;

G. The location where all records, account books, and ledgers pertaining to the applicant organization's operation of either game rooms or bingo games will be placed; and an authorization for the city to inspect and audit these records, books, and accounts.

H. Such other information as the city manager or his authorized representative may require. (Ord. 84-09 §2(part), 1984)

9.04.130 Investigation of applicant. On receipt of a completed application, the city manager or his authorized representative shall make an investigation to determine if all of the statements in the application are true and shall refer the application to the chief of police, the chief

building official, and the fire chief of the Hughson Fire Protection District to determine whether the appropriate Penal Code requirements, zoning and building code regulations, and Uniform Fire Code provisions have been or will be complied with. The city manager or his authorized representative may refuse to issue a permit if any officer of the applicant organization or any operator mentioned in Section 9.04.200:

- A. Has a felony conviction;
- B. Has a conviction for theft, fraud, gambling, crimes involving moral turpitude, or game room or bingo ordinance violations in this or any other city or county;
- C. Is under current investigation for a criminal offense set forth in subsections A and B of this section by any law enforcement agency. (Ord. 84-09 §2(part), 1984)

9.04.140 Contents of permit. Upon being satisfied that the applicant organization is fully qualified under the law to conduct either game rooms or bingo games, the city manager or his authorized representative shall issue a regular permit for one year or a special permit for three days to the applicant organization, the permit shall contain the following information:

- A. The name of the organization to which the permit is issued;
- B. The address and/or description of the location where the game rooms or bingo games are authorized to be conducted;
- C. The date of the expiration of the permit;
- D. The number of players permitted, if applicable;
- E. Such other information as may be required by the city manager or his authorized representative for the enforcement of the provisions of this chapter. (Ord. 84-09 §2(part), 1984)

9.04.150 Appeal of permit. The issuance or denial by the city manager or his authorized representative of a permit to conduct game rooms or bingo games shall be final, unless within ten calendar days after the decision the applicant or any other person not satisfied with the decision of the city manager or his authorized representative appeals in writing to the city council. (Ord. 84-09 §2(part), 1984)

9.04.160 Game rooms or bingo rooms conducted only on permittee's property. A permit to conduct game rooms or bingo games shall be issued only for use on property owned or leased by permittee, or on property loaned to the permittee. Nothing in this section shall be construed to require the property owned or leased by, or whose use is donated to, the permittee to be used or leased exclusively by or donated exclusively to the permittee. No permit shall be issued

unless there is adequate on-street or off-street parking. A new permit must be obtained for a change of address by the permittee, upon application, pursuant to this chapter. (Ord. 84-09 §2(part), 1984)

9.04.170 Summary suspension and/or revocation of permit. A. Whenever it appears to the city manager or his authorized representative that a permittee is conducting a game room or bingo game in violation of any of the provisions of this chapter, he shall have the authority to summarily suspend the permit and any further operation of any game room or bingo game.

B. The suspension order issued under subsection A of this section shall also constitute a notice of proposed revocation. The permittee shall also be notified at the time of summary suspension that it has ten days from the date of the summary suspension to request in writing a hearing before the city manager to determine whether the permit should be revoked. If the permittee fails to request such a hearing within the ten-day period, the city manager or his authorized representative may revoke the permit.

C. In situations other than a summary suspension, if it appears to the city manager or his authorized representative that a permittee is conducting a game room or bingo game in violation of any of the provisions of this chapter, or that a permit was obtained by misrepresentation, the permit may be revoked. Written notice of such proposed revocation shall be given by depositing in the United States mail a notice directed to the permittee at the address given in the application. Notice shall set forth the reasons for the proposed revocation and shall notify the permittee that he has ten days from the date of mailing in which to file a request in writing for a hearing before the city manager.

D. In the case of either a summary suspension or notice of proposed revocation, the city manager shall provide a hearing within fifteen days of receipt of the written request for a hearing from the permittee. At this hearing, the permittee may present oral or written evidence why its permit should not be revoked. Notice of the time and the place of the hearing shall be given to the permittee by depositing it in the United States mail at least ten days before the hearing to the address given in the application.

E. If the permit is revoked, written notice shall be given to the permittee within twenty-five days of the close of the hearing. Notice of revocation shall be given by United States mail. The permittee shall be presumed to have received the notice five days after mailing. It shall be unlawful for any organization whose permit is revoked under this section to conduct any game room or bingo game in the city unless the city council, on appeal, reinstates the permit.

F. Any person who conducts a game room or bingo game after either summary suspension or revocation shall be guilty of a misdemeanor.

G. Any organization whose permit is revoked may not apply for a permit to conduct either game rooms or bingo games in the city for a period of one year from the date of the revocation; provided, however, that if the ground for revocation is cancellation of the exemption granted under the California Revenue and Taxation Code, such organization may again apply for a license upon proof of reinstatement of the exemption. (Ord. 84-09 §2(part), 1984)

9.04.180 Appeal of revocation to city council. Any holder of a permit to conduct game rooms or bingo games whose permit is revoked under this chapter shall have the right, after receiving notice in writing of the revocation, to file a written appeal to the city council. (Ord. 84-09 §2(part), 1984)

9.04.190 Hours of operation. No permittee for the operation of bingo games shall conduct bingo games for more than six hours out of any twenty-four-hour period. No bingo game shall be conducted before nine a.m. or after twelve midnight. (Ord. 84-09 §2(part), 1984)

9.04.200 Members operating and staffing bingo games. Game rooms and bingo games shall be operated and staffed only by members of the permittee. Such members shall not receive a profit, wage, or salary from any game room or bingo game. Only the permittee shall operate a game room or bingo game or participate in the promotion, supervision, or any other phase of a game room or bingo game. This section shall not preclude the permittee from employing security personnel licensed by the state of California who are not members of the permittee to supervise the game rooms or bingo games operated by the permittee. The security personnel may be paid from the revenues of the game rooms or bingo games as provided for in Section 9.04.280. (Ord. 84-09 §2(part), 1984)

9.04.210 Advertising. No advertising or advertising signs shall be permitted in connection with any game room operated under a regular permit. Advertising and advertising signs shall be permitted in connection with any game room operated under a special permit and in connection with any bingo game. (Ord. 84-09 §2(part), 1984)

9.04.220 Access to game rooms. All game rooms operated under a regular permit shall not be open to the public and shall be used only by members of the permittee. Game rooms operated under a special permit may be open to the public and may be used by members and nonmembers of the

permittee, at the discretion of the permittee. All game rooms shall be open to inspection by members of the police department, the building inspection department, and the Hughson Fire Protection District. (Ord. 84-09 §2(part), 1984)

9.04.230 Access to bingo games. All bingo games shall be open to the public. All bingo games, equipment, facilities, and property shall be open to inspection by members of the police department, the building inspection department, and the Hughson Fire Protection District. (Ord. 84-09 §2(part), 1984)

9.04.240 Attendance limited to occupancy capacity. Attendance at any game room or bingo game shall be limited to the occupancy capacity of the room in which the game room or bingo game is conducted as determined by the Hughson Fire Protection District and the building inspection department in accordance with applicable codes, laws, and regulations. (Ord. 84-09 §2(part), 1984)

9.04.250 Participants. No person shall be allowed to participate in a bingo game unless he or she is physically present at the time and place in which the bingo game is being conducted. No permittee shall issue chips or money to a patron on credit or loan (including, but not limited to, IOU's and checks to be held), or allow any patron to otherwise play on credit. No person shall be allowed to buy more than twelve bingo cards in any one day, nor be allowed to play more than twelve bingo cards in any one game; provided, however, the city manager, may, by rules and regulations adopted pursuant to Section 9.04.310, allow, in addition thereto, the purchase of a limited number of additional bingo cards for the playing of a certain number of special limited bingo games. No person who is in a state of intoxication shall be allowed to participate in any games conducted in a game room or in any bingo game. No person under the age of eighteen years shall be allowed to participate in any game conducted in a game room or in any bingo game. (Ord. 84-09 §2(part), 1984)

9.04.260 Method of operation. No game room or bingo game shall be operated in violation of any law, nor in a manner which shall constitute a public nuisance. (Ord. 84-09 §2(part), 1984)

9.04.270 Maximum amount of prize for bingo games. The total value of any prize or prizes awarded during the conduct of any bingo game shall not exceed two hundred and fifty dollars in cash or kind, or both, for each separate game which is held. (Ord. 84-09 §2(part), 1984)

9.04.280 Profits and proceeds to be kept in special fund or account. A. Nonprofit organizations shall keep all profits derived from game rooms or bingo games in a special fund or account. The profits shall not be commingled with any other fund or account and shall be used only for charitable purposes, except as provided in Section 9.04.280C.

B. Mobile home park associations and senior citizens organizations shall keep all proceeds derived from bingo games in a special fund or account. The proceeds shall not be commingled with any other fund or account. The proceeds shall be used only for charitable purposes, except as provided in Section 9.04.280C.

C. Proceeds of any game room game or any bingo game may be used as follows:

1. The proceeds may be used for prizes.
 2. A portion of the proceeds not to exceed twenty percent of the proceeds before the deduction for prizes or one thousand dollars per month, whichever is less, may be used for rental of property, overhead, including the purchase of bingo or game room equipment, administrative expenses, security equipment, and security personnel.
 3. The proceeds may be used to pay permit fees.
- (Ord. 84-09 §2(part), 1984)

9.04.290 Inspection of books, records, or accounts. Each permittee shall keep full and accurate records of the income, conduct, promotion, supervision, and all other phases of any game room or bingo game operated by it in accordance with this chapter. The city, by and through its authorized officers, shall have the right to examine and audit such records at any reasonable time, and each permittee shall cooperate fully with the city by making such records available. The failure to cooperate shall be a violation of this chapter and grounds for revocation of the permit. (Ord. 84-09 §2(part), 1984)

9.04.300 Restricted financial interests. No individual, corporation, partnership, or other legal entity except the organization authorized to conduct a game room or bingo game shall hold any financial interest in the conduct of the game room or bingo game. (Ord. 84-09 §2(part), 1984)

9.04.310 Rules and regulations. The city manager or his authorized representative may adopt and print rules and regulations for the conduct and operation of game rooms or bingo games, and for the equipment to be used for any game room or bingo game. If adopted, a copy of these rules and regulations shall be given to each applicant for a permit to conduct game rooms or bingo games. In addition, copies of these rules and regulations shall be made available by the city manager or his authorized representative to any person who so requests. The permittee shall post a copy of these

rules and regulations in a conspicuous place in the game room or during the conduct of any bingo game. (Ord. 84-09 §2(part), 1984)

9.04.320 Penal Code Section 326.5. All provisions of California Penal Code Section 326.5 as now written, and as hereafter amended, are incorporated herein by reference as if set forth in full and shall apply to every bingo game, except as to those more restrictive provisions set forth herein, which shall control. (Ord. 84-09 §2(part), 1984)

9.04.330 Violation. Except as otherwise provided in this chapter or in California Penal Code Section 326.5, every violation of this chapter shall be an infraction. (Ord. 84-09 §2(part), 1984)

Chapter 9.05

ARCADES AND AMUSEMENT DEVICES

Sections:

- 9.05.010 Definitions.
- 9.05.020 Arcade--Permit required.
- 9.05.030 Compliance date.
- 9.05.040 Development standards.
- 9.05.050 Development plans required.
- 9.05.060 Licenses, distributors, proprietors and arcades.
- 9.05.070 Limitations on location of arcades and amusement devices.
- 9.05.080 Revocation of arcade conditional use permits.
- 9.05.090 Licenses and conditional use permits not transferable.
- 9.05.100 Enforcement.

9.05.010 Definitions. For the purposes of this chapter, the following words and phrases shall have the meanings ascribed to them by this section:

A. "Amusement device" means any machine, device, appliance or contrivance, including but not limited to pinball machines, video games, computer games and electronic games, which may be operated for use as a game, contest or amusement upon the insertion therein of a coin, slug, token or any other article or device, or by paying therefor either in advance of or after use, which does not contain a payoff device for the return of slugs, money, coins, checks, tokens or merchandise; provided, however, that jukeboxes or similar devices which play music for entertainment but are not games

or contests, and pool tables and billiard tables, shall not be included within the definition of "amusement device."

B. "Arcade" means any business or establishment where amusement devices constitute the primary use of the premises and:

1. Fifteen or more amusement devices are kept on the premises for the purpose of being played, operated or used by patrons for money or money's worth deposited in the amusement device; or

2. Twenty-five percent or more of the public floor area of the premises is devoted to amusement devices.

C. "Distributor" means any owner or lessee of amusement devices who installs, causes to install or maintains the same in any place of business which is not his own or under his direct control where the amusement device(s) can be played or operated.

D. "Proprietor" means the person licensed or required to be licensed to do business in whose place of business any amusement device is placed for the use, amusement, patronage or recreation of the public or persons in or about the business premises. (Ord. 84-01 §1(part), 1984)

9.05.020 Arcade--Permit required. A. It is unlawful and a misdemeanor to establish an arcade within the city without first obtaining a conditional use permit.

B. Arcades shall be permitted only in C-1, C-2 and C-3 zones, subject to the issuance of a conditional use permit, pursuant to the provisions of this chapter and Title 17 of this code. This requirement shall be in addition to other

permits, licenses or certificates required by law or this code. (Ord. 84-01 §1(part), 1984)

9.05.030 Compliance date. Any arcade or amusement device in existence in any zone in the city on the effective date of the ordinance codified in this chapter shall comply with the provisions of this chapter within thirty days of the effective date. (Ord. 84-01 §1(part), 1984)

9.05.040 Development standards. The following development standards and regulations shall apply to all arcades located in the city and shall be included in the conditions imposed upon the granting of any conditional use permit for such establishment:

A. All amusement devices on the premises shall be visible to and supervised by an adult attendant eighteen years of age or older who shall be present at all times when any amusement device is being operated.

B. The supervision of the patrons on the premises shall be adequate to ensure that there is no conduct that is detrimental to the public peace, health, safety or general welfare.

C. During the school year, which for the purposes of this chapter shall be considered to run from September 6th to June 8th of each year, no person under sixteen years of age unless accompanied by an authorized agent of the Hughson Elementary School District or the Hughson Union High School District or such person's parent or guardian, shall be allowed to play or use any amusement device between the hours of seven a.m. and three p.m., except during school holidays, Saturdays and Sundays, or between the hours of ten p.m. and seven a.m. preceding school days. Each amusement device shall be posted with a conspicuous sign indicating such restrictions and it shall be the responsibility of the adult attendant to enforce these restrictions.

D. Outside security lighting shall be provided under the direction and upon the recommendation of the police department.

E. Adequate parking and bicycle racks shall be provided.

F. Public restrooms shall be provided.

G. A minimum of two foot-candle illuminations generally distributed shall be maintained at all times in all parts of the premises when the arcade is open and when the public is permitted to enter or remain therein.

H. Provisions shall be made to reduce noise caused by the operation of the amusement devices and by the patrons thereof.

I. No amusement device shall be situated in such a way that its use will violate any applicable fire regulation or hinder the public's ingress to and egress from the premises.

J. The initial approval of a conditional use permit shall be for a period of six months. Prior to the expiration of the conditional use permit, the applicant may request renewal, subject to reevaluation. The planning commission may extend the conditional use permit for successive one-year periods if all conditions of approval have been complied with and no complaints have been received. If complaints have been received, the planning commission shall hold a public hearing to determine if the standards have been complied with and if renewal should be approved. (Ord. 84-01 §1(part), 1984)

9.05.050 Development plans required. All applications for an arcade conditional use permit shall be accompanied by a site plan and floor plan which comply with the provisions of Title 17 of this code. In addition to the other information required, the plans shall indicate how the applicant proposes to comply with the conditions set forth in Section 9.05.040 and shall show the proposed location of each amusement device on the premises. (Ord. 84-01 §1(part), 1984)

9.05.060 Licenses, distributors, proprietors and arcades. A. It is unlawful for any distributor to own, lease, install, place or sell any amusement device or share in the profits or proceeds therefrom without, in addition to complying with the provisions of this chapter and all other permits and certificates required by law, obtaining a license therefor and paying the license fee required by Chapter 5.05 of this code.

B. It is unlawful for any proprietor to install, or cause to be installed, or operate and maintain any amusement device in the proprietor's place of business without, in addition to complying with the provisions of this chapter and all other permits and certificates required by law, obtaining a license for each amusement device and paying the license fee as required by Chapter 5.05 of this code.

C. It is unlawful for any arcade to conduct business without, in addition to obtaining all conditional use permits required by this code and all other permits or certificates required by law, obtaining a license and paying the license fee as required by Chapter 5.05 of this code. (Ord. 84-01 §1(part), 1984)

9.05.070 Limitations on location of arcades and amusement devices. A. Unless the city council finds that the public welfare and morals would not be harmed, no arcade shall be maintained or operated:

1. Within a radius of three hundred feet from any primary or secondary school; or
2. Within two hundred feet of the boundary of a residential zone, measured along the public right-of-way.

B. No arcade shall be maintained or operated in conjunction with the retail sale for off-premises consumption of alcoholic beverages.

C. No amusement device, except one maintained exclusively for private use, shall be permitted within the city other than in C-1, C-2 and C-3 zones. (Ord. 84-01 §1(part), 1984)

9.05.080 Revocation of arcade conditional use permits. All conditional use permits issued pursuant to this chapter shall be subject to revocation proceedings instituted by the chief of police, the planning commission or the city council for violations of any of the terms or provisions of this chapter or the conditional use permit issued pursuant hereto. Such revocation proceedings shall be in conformance with Title 17 of this code. (Ord. 84-01 §1(part), 1984)

9.05.090 Licenses and conditional use permits not transferable. Notwithstanding any other provisions of this code, all amusement device and arcade licenses or arcade conditional use permits shall be valid only for the place and operator stated in the license or permit, and shall not be transferred to any other place, person, business or establishment without the consent of the planning commission. (Ord. 84-01 §1(part), 1984)

9.05.100 Enforcement. It is the duty of the chief of police to enforce this chapter. (Ord. 84-01 §1(part), 1984)

Chapter 9.08

CURFEW

Sections:

9.08.010 Prohibited.

9.08.020 Aiding and abetting prohibited;
Violation--Penalty.

9.08.010 Prohibited. It is unlawful for any minor under the age of eighteen years to loiter on a public street or in or about any other public place in the city between the hours of eleven p.m. and five a.m. of the day immediately following, unless the minor is accompanied by his parent, guardian, or adult person having legal control or charge of the minor. (Ord. 82-7 §2, 1982)

9.08.020 Aiding and abetting prohibited; Violation--Penalty. It is unlawful for any person to assist, aid, abet, or encourage any minor under the age of eighteen years

to loiter on a public street or in and about any public place in the city between the hours of eleven p.m. and five a.m. of the day immediately following unless the minor is accompanied by a parent, guardian, or other adult person having legal control or charge of such minor. Any person violating the provisions of this section is guilty of a misdemeanor. (Ord. 84-06 §3, 1984: Ord. 82-7 §3, 1982)

Chapter 9.12

DISCHARGING WEAPONS*

Sections:

- 9.12.010 Definitions.
- 9.12.020 Discharge prohibited.
- 9.12.030 Use or possession in restricted areas.
- 9.12.040 Exceptions.
- 9.12.050 Violation--Confiscation and sale.
- 9.12.060 Violation--Penalty.

9.12.010 Definitions. Certain words and phrases are defined in this section to clarify their use in this chapter. Where a definition is not given or where a question of interpretation arises, the definition that shall control is the normal meaning of the word within the context of its use.

A. "Firearm" means and includes any weapon which is designed to or may readily be converted to expel any projectile by the action of an explosive, or other form of combustion; or the frame or receiver of any such weapon.

B. "Person" means and includes any individual, firm, partnership, copartnership, joint venture, association, company, corporation, or any other group or combination acting as a unit, and the plural as well as the singular number.

C. "Weapon" means and includes any device from which a shot, bullet, pellet or other dangerous projectile can be discharged or propelled, including but not limited to any gun, rifle, pistol, air rifle, BB gun, crossbow, bow and arrow, or slingshot. (Ord. 86-02 §1(part), 1986)

9.12.020 Discharge prohibited. It is unlawful for any person to shoot, fire or discharge a weapon in the city, or to cause or permit a weapon to be shot, fired or discharged

* Prior code and ordinance history: Prior code §§10-60--10-65 as amended by Ord. 82-9; and §4 of Ord. 84-06.

in the city, except as may be permitted by statute or this chapter. This section shall not be deemed to make punishable any such act or acts which are prohibited by any other law of the state. (Ord. 86-02 §1(part), 1986)

9.12.030 Use or possession in restricted areas. It is unlawful for any person to use or have in his or her possession a weapon in any area owned, operated, leased or controlled by the city. This section shall not be deemed to make punishable any act or acts which are prohibited by any other law of this state. (Ord. 86-02 §1(part), 1986)

9.12.040 Exceptions. Provisions of this chapter shall not apply to any of the following:

A. Peace officers in the discharge of their official duties, using reasonable care;

B. Persons using weapons in necessary self-defense;

C. Persons using weapons in a careful manner for the purpose of destroying dangerous or noxious animals upon the land owned or occupied by them, provided written permission is first had and obtained from the chief of police;

D. Persons using weapons in a careful manner for the purpose of practice at established target ranges and shooting galleries inspected and approved by the chief of police. (Ord. 86-02 §1(part), 1986)

9.12.050 Violation--Confiscation and sale. A. Any weapon in the possession of any person charged with violation of this chapter shall be surrendered to the peace officer making such charge, and shall be surrendered by him to the chief of police.

B. If any person charged with violation of this chapter is subsequently convicted of such violation, the chief of police, except upon the certificate of a judge of a court of record, or the district attorney of the county, that the retention thereof is necessary or proper to the ends of justice, may annually, between the first and tenth days of July in each year, offer the weapons which he considers to have value with respect to sporting, recreational or collection purposes, for sale at public auction to persons licensed under the law to engage in businesses involving any weapons purchased.

C. If any weapon has been stolen and is thereafter recovered from the thief or his transferee, or was used in violation of this chapter without the prior knowledge of its lawful owner that it would be so used, it shall not be so offered for sale, but shall be restored to the lawful owner, as soon as its use as evidence has been served, upon his identification of the weapon and proof of ownership.

D. If any weapon is not retained, sold or returned to its lawful owner, it shall, in the month of July next following, be destroyed so that it can no longer be used as a

weapon, provided that if any confiscated firearm is not sold or returned to its lawful owner in accordance with this section, it may be retained by the police department for law enforcement purposes if the chief of police so directs.

E. No stolen weapon shall be sold or destroyed unless a reasonable notice is given to its lawful owner, if his or her identity and address can be reasonably ascertained.
(Ord. 86-02 §1(part), 1986)

9.12.060 Violation--Penalty. Any person violating the provisions of this chapter is guilty of a misdemeanor.
(Ord. 86-02 §1(part), 1986)

Chapter 9.16

PARADES AND ASSEMBLIES

Sections:

- 9.16.010 Definitions.
- 9.16.020 Permit and exemption.
- 9.16.030 Prohibition; Violation--Penalty.
- 9.16.040 Application for permit.
- 9.16.050 Issuance of permit.
- 9.16.060 Denial of permit.
- 9.16.070 Conditions and alternatives.
- 9.16.080 Appeals.
- 9.16.090 Revocation of permit.
- 9.16.100 Traffic-control costs and cleanup costs.
- 9.16.110 Costs and indemnity.
- 9.16.120 Permit content and possession.
- 9.16.130 Conduct of permittee.
- 9.16.140 Interference.
- 9.16.150 Severability.

9.16.010 Definitions. A. "Assembly" means any meeting, gathering or group of persons, animals, or vehicles, or a combination thereof having a common purpose, design, destination, or goal upon any public street, sidewalk, alley, park, or other public place which substantially inhibits the usual flow of pedestrian or vehicular travel other than a parade as defined in subsection B of this section.

B. "Parade" means any march, demonstration, procession, motorcade, ceremony, exhibition, or pageant of any kind, consisting of persons, animals, or vehicles, or a combination thereof having a common purpose, design, destination, or goal upon any public place, which does not comply with normal and usual traffic regulation or control.

C. "Person" means any individual, firm, partnership, association, corporation, company, or organization of any kind.

D. "Spontaneous event" means an unplanned or unannounced coming together of persons, animals or vehicles as described in subsections A and B of this section which is occasioned by or in response to unforeseen circumstances or events coming into public knowledge within three days of the event. Where feasible, organizers of the spontaneous event shall provide police with at least twenty-four hours' notice. (Ord. 83-03 §1(part), 1983)

9.16.020 Permit and exemption. A. Permit Required.
No person shall conduct, manage, or participate in any parade or assembly for which a written permit has not been

issued in accordance with the provisions of this chapter.

B. Exemption. The provisions of this chapter shall not apply to or affect:

1. Funeral processions;
2. Governmental agencies acting within the scope of their authorized functions; or
3. Spontaneous events. (Ord. 83-03 §1(part), 1983)

9.16.030 Prohibition; Violation--Penalty. No person shall engage in any parade or assembly activity which would constitute a substantial hazard to public safety or which would materially interfere with or endanger the public peace or rights of residents to the quiet, peaceful, and unmolested enjoyment of their property. Any person violating the provisions of this section is guilty of a misdemeanor. (Ord. 84-06 §5, 1984: Ord. 83-03 §1(part), 1983)

9.16.040 Application for permit. A. Processing Fee. Each application for a permit to conduct a parade or assembly shall be accompanied by proof that a nonrefundable fee as established by resolution of the city council has been deposited with the city clerk for the purpose of paying the cost of processing the application.

B. Application. Any person desiring to conduct a parade or assembly shall apply to the chief of police for a permit at least fifteen days prior to the date of the proposed parade or assembly. The police chief may, for good cause shown, consider any application for a permit to conduct a parade or assembly which is filed less than fifteen days prior to the date such parade or assembly is to be conducted. The application for a permit shall be on a form provided by the police chief, shall be verified, and shall contain the following information:

1. The name, address and telephone number of the person requesting the permit;
2. The name, address and telephone number of the headquarters of any organization or group the applicant is representing, and the name of the responsible officer of such organization or group;
3. The name, address and telephone number of the parade or assembly chairperson, or the person otherwise responsible for the conduct of the parade or assembly;
4. The number of monitors to be provided by the permittee, if any, and identifying marks, badges, or symbols to be worn or used by such monitors;
5. The date and time, starting and ending, when the parade or assembly is to be held;
6. If a parade, the specific assembly and disbursal locations; the specific route, and the plans, if any, for assembly and disbursal;
7. If an assembly, the location at which the assembly is to be held;

8. The approximate number of persons, animals, and vehicles taking part in the parade or assembly, including the type of animals and a description of the vehicles;

9. Whether any costumes, mask, or unusual attire will be worn;

10. If a parade, whether the parade will occupy all or only one-half of the width of the streets proposed to be traversed;

11. If a parade, the maximum length of the components of the parade;

12. Such additional information as the police chief shall deem reasonably necessary to determine whether or not the permit shall issued under the standards set forth in Section 9.16.050 (Ord. 83-03 §1(part), 1983)

9.16.050 Issuance of permit. The police chief shall issue a permit for a parade or assembly upon a finding that:

A. The time, duration, route, and size of the parade or assembly will not substantially interrupt the safe and orderly movement of traffic in the area;

B. The conduct of the parade or assembly will not require the diversion of so great a number of police or fire personnel of the city as to impair the normal protection of the city;

C. The concentration of persons, animals and vehicles in the parade or assembly will not unreasonably interfere with proper fire and police protection, or ambulance service to areas in the vicinity of the parade or assembly, the assembly area, or other areas of the city;

D. The temporary closing of streets, parks or sidewalks to public access of traffic necessitated by the parade or assembly will not unreasonably inconvenience persons or adjacent business establishments who would normally make use of such places;

E. The applicant has provided for the services of monitors sufficient to control the orderly conduct of the parade or assembly in conformity with the permit;

F. The conduct of the parade or assembly is not reasonably likely to cause injury to persons or property, provoke disorderly conduct or create a disturbance;

G. The parade will move from its assembly area to its disbanding area expeditiously without stopping en route except when reasonably required for the safe and orderly conduct of the parade;

H. The permittee has provided reasonable means for informing all the persons participating in the parade or assembly of the terms and conditions of the permit;

I. The applicant will provide and assure adequate cleanup of litter and/or debris resulting from the parade or assembly;

J. The parade or assembly will not interfere with another parade or assembly for which a permit has been granted. (Ord. 83-03 §1(part), 1983)

9.16.060 Denial of permit. A. Denial. The police chief shall deny an application for a parade or assembly permit and notify the applicant of such denial where:

1. The police chief makes any findings contrary to the findings required to be made for the issuance of a permit;

2. The information contained in the application is found to be false in any material detail.

B. Action and Notice. The police chief shall act upon any application for permit received under this chapter within seventy-two hours after the filing thereof. If the police chief finds that the permit should not be issued, he shall notify the applicant in writing of the denial of the permit, and the specific reason or reasons therefor. Notice shall be delivered by personal service or by registered mail.

The police chief shall uniformly consider each application upon its facts and shall not discriminate in the granting or denial of applications upon political or religious grounds or reasons. (Ord. 83-03 §1(part), 1983)

9.16.070 Conditions and alternatives. A. Conditions. The police chief, upon issuance of the permit, shall impose such reasonable conditions as he may deem necessary to protect the health, welfare and safety of the community and the participants in such parade or assembly.

B. Alternatives. Where an application, as submitted, is denied or revoked for any reason, the police chief shall notify the applicant at least five days in advance of the scheduled assembly or parade, if feasible, of alternate times, places, manner, or duration for the conduct of the parade or assembly. (Ord. 83-03 §1(part), 1983)

9.16.080 Appeals. The granting or denial of a permit by the police chief, pursuant to this chapter, may be appealed to the city council by the applicant, permittee, or any person affected thereby. Such appeal shall be in writing and shall be filed with the city clerk within twenty-four hours of the decision of the police chief. The city council shall act upon the appeal within three days of filing. If a regular city council meeting is not scheduled within three days after filing of the appeal, the mayor shall call a special city council meeting to consider the appeal. (Ord. 83-03 §1(part), 1983)

9.16.090 Revocation of permit. The police chief may revoke a parade or assembly permit issued pursuant to this chapter if he finds that any term, condition, restriction or limitation of such permit has been violated, or if he finds that as a result of changed circumstances any one or more of the standards specified in Section 9.16.050 has not been satisfied. Notice of such action revoking a permit shall be delivered in writing to the permittee by personal service or by registered mail. Appeal to the city council from any such revocation may be taken as specified in Section 9.16-.080. (Ord. 83-03 §1(part), 1983)

9.16.100 Traffic-control costs and cleanup costs. A. Traffic-control Costs. The police chief shall make a reasonable estimate of cost of providing traffic control, other than that necessary to preserve the public peace, for the parade or assembly and the applicant shall deposit said amount with the city clerk. Upon completion of the parade or assembly the police chief shall calculate the actual cost of providing such traffic control. If the payment made to the city clerk exceeded the actual cost, the city clerk shall make the appropriate refund. If the payment made was less than the actual cost, the applicant shall make the appropriate additional payment within seven days of being so notified.

B. Cleanup Costs. All cleanup costs incurred by the city that are directly attributable to the parade or assembly shall be paid for by the applicant. The applicant shall make such payment within seven days of being so notified. (Ord. 83-03 §1(part), 1983)

9.16.110 Costs and indemnity. Prior to the issuance of any permit under this chapter, the police chief shall require the applicant and any other persons, organizations, firms or corporation on whose behalf the application is made, by filing such application to represent, stipulate, contract and agree that they will jointly and severally indemnify and hold the city and its officers and employees harmless against liability for any and all claims for damage to property, or injury to, or death of persons arising out of or resulting from the issuance of the permit or the conduct of the parade or its participants. (Ord. 83-03 §1(part), 1983)

9.16.120 Permit content and possession. Any parade or assembly permit issued shall contain the information given in the application along with any restrictive conditions imposed by the police chief in the interest of public safety, health, or welfare. The permit shall be carried by the person heading or leading the parade who shall show it, upon demand, to any member of the police department. (Ord. 83-03 §1(part), 1983)

9.16.130 Conduct of permittee. Each permittee shall comply with all terms, conditions, and provisions of the parade or assembly permit and with all applicable laws of the state and the city. Willful violation of any term, condition, or provision of the parade or assembly permit by the permittee or any participant in the parade or assembly is a violation of this chapter. (Ord. 83-03 §1(part), 1983)

9.16.140 Interference. No person shall knowingly join or participate in any parade conducted under permit from the police chief in violation of any of the terms of the permit, nor knowingly join or participate in any permitted parade or assembly without the consent and over the objection of the permittee, nor in any manner interfere with its progress or orderly conduct. (Ord. 83-03 §1(part), 1983)

9.16.150 Severability. If any section, subsection, sentence, clause, phrase, or portion of this chapter is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter. The city council declares that it would have adopted this chapter and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions would be declared invalid or unconstitutional. (Ord. 83-03 §1(part), 1983)

Chapter 9.20

OFFENSES AGAINST POLICE CANINE UNITS

Sections:

9.20.010 Offenses; Violation--Penalty.

9.20.010 Offenses; Violation--Penalty. It is unlawful for any person to wilfully or maliciously torture, tease, torment, beat, kick, strike, mutilate, injure, disable, or kill any dog used by the police department in the performance of the functions of the department, or to wilfully or unwarrantably interfere with any such dog while it is being used by the department or any officer or any member thereof in the performance of any functions or duty of the department or of such officer or member. Any person violating the provisions of this section is guilty of a misdemeanor. (Ord. 84-06 §6, 1984: Ord. 83-04 §1, 1983)

Chapter 9.24CONSUMPTION AND POSSESSION OF
ALCOHOLIC BEVERAGESSections:

- 9.24.010 Definitions.
- 9.24.020 Drinking and possession--Public areas.
- 9.24.030 Drinking and possession--Private parking lots.
- 9.24.040 Possession--Posted premises.
- 9.24.050 Posting.

9.24.010 Definitions. Certain words and phrases are defined in this section to clarify their use in this chapter. Where a definition is not given or where a question of interpretation arises, the definition that shall control is the normal meaning of the word within the context of its use.

A. "Alcoholic beverage" means and includes alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine or beer, and which contains one-half of one percent or more of alcohol by volume, and which is fit for human consumption either alone or when diluted, mixed or combined with other substances.

B. "Licensee" means and includes any person holding any retail package off-sale alcoholic beverage license issued pursuant to Division 9 of the California Business and Professions Code.

C. "Person" means and includes any individual, firm, copartnership, joint venture, association, corporation, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular number.

D. "Posted premises" means and includes any premises subject to licensure, the parking lot immediately adjacent thereto, and any public sidewalk immediately adjacent thereto, on which clearly visible notices indicate to the patrons of the licensee and parking lot and to persons on the public sidewalk that the provisions of Section 9.24.040 apply. Posted premises shall not include, and the provisions of Section 9.24.040 shall not apply to, any private residential parking lot which is immediately adjacent to any such premises.

E. "Premises subject to licensure" means and includes any premises subject to licensure under any retail package off-sale alcoholic beverage license issued pursuant to Division 9 of the California Business and Professions Code.
(Ord. 86-01 §1(part), 1986)

9.24.020 Drinking and possession--Public areas. It is unlawful for any person to drink any alcoholic beverage or to possess any can, bottle or other receptacle containing any alcoholic beverage which has been opened, or a seal broken, or the contents of which have been partially removed, on any public sidewalk, alley, street or highway, or in any city-owned park or other city-owned public place, unless the consumption of alcoholic beverages in such public place or places has been authorized by the city council. This section shall not be deemed to make punishable any such act or acts which are prohibited by the California Vehicle Code or by any other law of the state. (Ord. 86-01 §1(part), 1986)

9.24.030 Drinking and possession--Private parking lots. It is unlawful for any person to drink any alcoholic beverage or to possess any can, bottle or other receptacle containing any alcoholic beverage which has been opened, or a seal broken, or the contents of which have been partially removed, upon that portion of private property open to the public and within five hundred feet of any public sidewalk, alley, street or highway which is used or intended to be used for the parking or storage of motor vehicles by customers or employees of any business, commercial or industrial establishment, without the express written permission of the owner, his or her agent, or person in lawful possession thereof. This section shall not be deemed to make punishable any such act or acts which are prohibited by the California Vehicle Code or by any other law of the state. (Ord. 86-01 §1(part), 1986)

9.24.040 Possession--Posted premises. It is unlawful for any person who has in his or her possession any bottle, can or other receptacle containing any alcoholic beverage which has been opened, or a seal broken, or the contents of which have been partially removed, to enter, be or remain on the posted premises of any licensee in the city. This section shall not be deemed to make punishable any such act or acts which are prohibited by the California Vehicle Code or by any other law of the state. (Ord. 86-01 §1(part), 1986)

9.24.050 Posting. All licensees doing business within the city shall post the premises subject to licensure, the parking lot immediately adjacent thereto, and any public sidewalk immediately adjacent thereto with notices, in a form acceptable to the chief of police, indicating to the patrons of the licensee and parking lot, and to persons on the public sidewalk that the provisions of Section 9.24.040 apply. Posting shall not be required of any private residential parking lot which is immediately adjacent to the premises subject to licensure. (Ord. 86-01 §1(part), 1986)

Chapter 9.26

VICIOUS DOGS

Sections:

- 9.26.010 Purpose and intent.
- 9.26.020 Vicious dog defined.
- 9.26.030 Peaceful and lawful conduct on private property.
- 9.26.040 Investigation.
- 9.26.050 Confinement of dog.
- 9.26.060 Hearing--Schedule--Notice form.
- 9.26.070 Hearing--Procedure.
- 9.26.080 Hearing--Findings--Public nuisance.
- 9.26.090 Costs of impoundment.
- 9.26.100 Violation--Penalties.

9.26.010 Purpose and intent. Within the city, there are vicious dogs that constitute a public nuisance which should be abated. The provisions of this chapter provide an administrative procedure by which dogs found to be a nuisance may be abated following a hearing at which oral and documentary evidence is considered. This chapter is intended to supplement rather than supplant any other remedy available either under state law or this code. (Ord. 86-04 §1(part), 1986)

9.26.020 Vicious dog defined. Any dog, except one assisting a peace officer engaged in law enforcement duties, that demonstrates any of the following behavior is presumed vicious:

A. An attack that requires defensive action by a person to prevent bodily injury or property damage when that person is conducting himself or herself peacefully and lawfully;

B. An attack that results in bodily injury to a person, or property damage, when that person is conducting himself or herself peacefully and lawfully;

C. An attack on another animal, livestock or poultry, that occurs on property other than that of the owner of the attacking dog;

D. Any behavior that constitutes a threat of bodily harm to a person when that person is conducting himself or herself peacefully and lawfully. (Ord. 86-04 §1(part), 1986)

9.26.030 Peaceful and lawful conduct on private property. For the purposes of this chapter, a person shall be considered to be conducting himself or herself peacefully and lawfully upon the private property of an owner or possessor of a dog when he or she is on such property in the performance of any duty imposed upon him or her by state or

local law or by laws or postal regulations of the United States, or when he or she is on such property upon invitation, either expressed or implied, of the owner. (Ord. 86-04 \$1(part), 1986)

9.26.040 Investigation. Any incident reported to the police department concerning a vicious dog may be investigated by the chief of police, or his designee. The investigation shall consist of the reports of officers made at the time of the incident, or follow-up reports. If, based upon the investigation, the chief of police concludes that there is probable cause to believe that the accused dog is vicious, he shall so certify in writing to the owner, or the person who has a right to control the dog, within ten days following the completion of the investigation. Thereafter a hearing shall be held pursuant to this chapter. (Ord. 86-04 \$1(part), 1986)

9.26.050 Confinement of dog. If the chief of police certifies that there is probable cause to believe that an accused dog is vicious and a risk to public safety, he or she may direct any animal control officer, police officer, or other authorized employee of the city to enter the yard of any private residence or any business in order to seize the dog, whether running at large or not, and impound it at any appropriate animal shelter pending the decision of the city manager, as provided for in this chapter; provided, however, if in such situation the owner or the person who has a right to control the dog is not home or is absent from the business, the animal control officer, police officer or other authorized employee of the city making the seizure shall post a notice of impoundment on the front door or office door of the owner or the person who has a right to control the dog. Such notice shall state the following:

- A. The dog has been impounded;
- B. The location where the dog is being held;
- C. The name, address and telephone number of the agency or person to be contacted regarding the status of the dog;
- D. An indication of the ultimate disposition of the dog if the owner or the person who has a right to control the dog takes no action to regain it pursuant to this chapter;
- E. All costs of impoundment must be paid by the owner or the person who has a right to control the dog; and
- F. The dog will not be released until all such costs have been paid in full. (Ord. 86-04 \$1(part), 1986)

9.26.060 Hearing--Schedule--Notice form. A hearing date shall be set not later than ten days from the date of certification. The city manager shall mail or otherwise deliver to the owner or the person who has a right to control the accused dog, and any other interested persons, including but not necessarily limited to, all properties within three

hundred feet of the address of the owner or the person who has a right to control the dog, at least five days prior to the date set for hearing, a notice in substantially the following form:

NOTICE OF HEARING REGARDING VICIOUS DOG

To: _____ (Name) _____ (Address)

NOTICE IS HEREBY GIVEN that pursuant to the provisions of Chapter 9.26 of the Hughson Municipal Code, the Chief of Police has certified that there is probable cause to believe a dog owned or controlled by you, a _____ (breed) _____, is vicious.

NOTICE IS HEREBY FURTHER GIVEN that on the _____ day of _____, at the hour of _____ o'clock, in the office of the City Manager, City Hall, 7018 Pine Street, Hughson, California, the report of the Chief of Police will be considered by the the City Manager or an appointed hearing officer along with such other oral and documentary evidence as is introduced bearing upon the question of whether your dog is vicious. You may appear and may present evidence at the hearing. You may also be represented by an attorney. If you fail to appear without giving notice to the City Manager, the matter may proceed in your absence and such absence may be further considered a waiver of your right to present evidence and object to any decision made.

In the event your dog is found to be vicious, it will be ordered to be controlled, confined, destroyed, restricted, or otherwise abated as a public nuisance and any impoundment cost incurred shall be assessed against you.

A copy of this notice has been sent to property owners within 300 feet of your address.

DATED: _____

CITY MANAGER

(Ord. 86-04 §1(part), 1986)

9.26.070 Hearing--Procedure. The hearing shall be conducted by either the city manager or an appointed hearing officer. At the hearing, which may be continued from time to time, both oral and documentary evidence may be taken from any interested person and considered in determining whether an accused dog is vicious. Any owner or person having a right to control the dog who fails to appear after

notice as provided herein has been given, without obtaining a continuance from the city manager or an appointed hearing officer, may be deemed to have waived any right to introduce evidence or object to an order made by the city manager. If the hearing is conducted by a hearing officer other than the city manager, the hearing officer shall submit a report to the city manager summarizing the evidence and making a recommendation as to disposition. (Ord. 86-04 §1(part), 1986)

9.26.080 Hearing--Findings--Public nuisance. If, based upon the hearing, and the report of the hearing officer if any, the city manager upholds the findings of the chief of police that an accused dog is vicious, he or she shall so specify in writing together with the reasons therefor. Any accused dog found to be vicious is hereby deemed to be a public nuisance and shall be, pursuant to the order of the city manager, humanely destroyed, removed from the city, or otherwise abated by appropriate order of the city manager, including but not limited to, confinement, fencing, muzzling or leashing. The decision of the city manager shall be made within ten days after the conclusion of the hearing and shall be final. A copy of the decision shall be sent by certified mail or personally served upon the owner or the person who has a right to control the dog. (Ord. 86-04 §1(part), 1986)

9.26.090 Costs of impoundment. The costs of impoundment, and any other costs related thereto that were incurred by the city in connection therewith, including any abatement period, shall be paid by the owner or the person who has a right to control an accused or vicious dog. An accused dog will not be released until all such costs have been paid in full. If the city manager finds an accused dog to be vicious and such decision includes the release of the dog to the owner or the person who has a right to control the dog, the dog shall not be released until all such costs have been paid in full. If such costs have not been paid within thirty days after the date of mailing or delivery of the order, the city manager may dispose of the dog in any manner provided by law, or return the dog and pursue alternative collection procedures. The impoundment and related costs may be made a lien against the real property upon which an accused or vicious dog was kept and maintained if such property is owned by the owner or the person who has a right to control the dog. If such amount is unpaid in whole or in part, the unpaid portion may be entered in the next fiscal year's tax roll as a lien against such property, and shall be subject to the same penalties as are provided for other delinquent taxes, liens or assessments of the city. Alternatively, an action may be brought in the name of the city to recover the impoundment and related costs. (Ord. 86-04 §1(part), 1986)

9.26.100 Violation--Penalties. The first violation of any order issued pursuant to this chapter shall constitute an infraction. The second and any further violations within twenty-four months of any such order shall be misdemeanors. (Ord. 86-04 §1(part), 1986)

Chapter 9.28

PICTURE ARCADES

Sections:

- 9.28.010 Purpose.
- 9.28.020 Picture arcade defined.
- 9.28.030 Visibility of interior.
- 9.28.040 Minimum lighting requirements.
- 9.28.050 Enforcement--Rules and regulations.
- 9.28.060 Application.
- 9.28.070 Violation--Penalty.

9.28.010 Purpose. Enclosed or concealed booths and unlit or dimly lit areas within picture arcades greatly increase the potential for misuse of the premises on which the picture arcades are located, including unlawful conduct of a type which facilitates transmission of disease. The provisions of this chapter are necessary to reduce the opportunity for, and therefore the incidence of, illegal conduct within picture arcades, and to facilitate the inspection of the interior of the premises on which the picture arcades are located by law enforcement personnel. (Ord. 87-08 §1(part), 1987)

9.28.020 Picture arcade defined. As used in this chapter, "picture arcade" means any room to which the public can gain admittance wherein one or more coin or slug-operated, or electrically, electronically, or mechanically controlled still or motion picture machines or projectors or video monitors are designed, operated, or maintained to show still or motion pictures or videos to five or fewer persons per machine, projector, or monitor at any one time. (Ord. 87-08 §1(part), 1987)

9.28.030 Visibility of interior. It is unlawful for any person, partnership, corporation, or other entity to own, operate, maintain, or manage a picture arcade unless the complete interior of the portion of the premises where the pictures may be viewed is continuously open and fully visible to any person entering the premises. Booths within picture arcades wherein still or motion pictures may be viewed are prohibited. (Ord. 87-08 §1(part), 1987)

9.28.040 Minimum lighting requirements. A level of illumination established by the chief of police based upon generally accepted lighting standards shall be maintained during hours of operation in all parts of any picture arcade which are open to the public. The level of illumination established by the chief of police shall be published in the rules and regulations governing picture arcades. (Ord. 87-08 §1(part), 1987)

9.28.050 Enforcement--Rules and regulations. The chief of police and his designated representatives shall enforce the provisions of this chapter. The chief of police shall establish such rules and regulations governing picture arcades as are necessary for the administration and enforcement of the provisions of this chapter. Copies of such rules and regulations shall be available upon request to the police department. (Ord. 87-08 §1(part), 1987)

9.28.060 Application. Any picture arcade lawfully in existence on October 28, 1987, and made illegal by the provisions of this chapter shall conform to the provisions hereof by January 1, 1988. (Ord. 87-08 §1(part), 1987)

9.28.070 Violation--Penalty. Any person, partnership, firm, corporation, or other entity violating any of the provisions of this chapter shall be guilty of a misdemeanor. Each person, partnership, firm, corporation, or other entity shall be guilty of a separate offense for each and every day or any portion thereof during which any violation of any provision of this chapter is committed, continued, or permitted by such person, firm, corporation, or other entity. (Ord. 87-08 §1(part), 1987)

Title 10VEHICLES AND TRAFFICChapters:

<u>10.04</u>	<u>Definitions</u>
<u>10.08</u>	<u>Traffic Administration</u>
<u>10.12</u>	<u>Enforcement</u>
<u>10.16</u>	<u>Traffic-control Devices</u>
<u>10.20</u>	<u>Turning Movements</u>
<u>10.24</u>	<u>One-way Streets and Alleys</u>
<u>10.28</u>	<u>Special Stops</u>
<u>10.32</u>	<u>Stopping, Standing, and Parking</u>
<u>10.36</u>	<u>Loading</u>
<u>10.40</u>	<u>Speed Limits</u>
<u>10.44</u>	<u>Truck Routes</u>
<u>10.48</u>	<u>Driving Rules</u>
<u>10.52</u>	<u>Pedestrian Crosswalks</u>
<u>10.56</u>	<u>Abandoned Vehicles</u>
<u>10.60</u>	<u>Interstate Truck Terminal Designation and Access</u>
<u>10.64</u>	<u>Rollerskates, Skateboards, Coasters and Similar Devices</u>

Chapter 10.04DEFINITIONSSections:

10.04.010	Generally.
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10.04.110	Pedestrian.
10.04.120	Police officer.
10.04.130	Stop.
10.04.140	Vehicle Code.

10.04.010 Generally. The words and phrases specified in this chapter when used in this title shall for the purpose of this title have the meanings respectively ascribed to them in this chapter. (Ord. 74-6 §1(part), 1974)

10.04.130 Stop. "Stop," when required, means complete cessation of movement. (Ord. 74-6 §1.12, 1974)

10.04.140 Vehicle Code. "Vehicle Code" means the Vehicle Code of the state. (Ord. 74-6 §1.13, 1974)

Chapter 10.08

TRAFFIC ADMINISTRATION

Sections:

- 10.08.010 Traffic division--Established.
- 10.08.020 Traffic division--Powers and duties.
- 10.08.030 Accident--Studies.
- 10.08.040 Accident--Reports.
- 10.08.050 Traffic engineer--Office established.
- 10.08.060 Traffic engineer--Powers and duties.
- 10.08.070 Traffic committee--Established.
- 10.08.080 Traffic committee--Powers and duties.

10.08.010 Traffic division--Established. There is established in the police department of this city a traffic division to be under the control of an officer of the police appointed by and directly responsible to the chief of police. (Ord. 74-6 §2(part), 1974)

10.08.020 Traffic division--Powers and duties. It shall be the duty of the traffic division with such aid as may be rendered by other members of the police department to enforce the street traffic regulations of this city and all of the state vehicle laws applicable to street traffic in this city, to make arrests for traffic violations, to investigate traffic accidents, and to cooperate with the city traffic engineer and other officer of the city in the administration of the traffic laws and in developing ways and means to improve traffic conditions, and to carry out those duties specially imposed upon said division by this title and the traffic ordinances of this city. (Ord. 74-6 §2.1, 1974)

10.08.030 Accident--Studies. Whenever the accidents at any particular location become numerous, the traffic division shall cooperate with the city traffic engineer in conducting studies of such accidents and determining remedial measures. (Ord. 74-6 §2.2, 1974)

10.08.040 Accident--Reports. The traffic division shall maintain a suitable system of filing traffic accident reports. Accident reports or cards referring to them shall

be filed alphabetically by location. Such reports shall be available for the use and information of the city traffic engineer. (Ord. 74-6 §2.3, 1974)

10.08.050 Traffic engineer--Office established. The office of city traffic engineer is established. The city traffic engineer shall be appointed by the city council and shall exercise the powers and duties as provided in this title and in the traffic ordinances of this city. Whenever the city traffic engineer is required or authorized to place or maintain official traffic control devices or signals he may cause such devices or signals to be placed or maintained. (Ord. 74-6 §2.4, 1974)

10.08.060 Traffic engineer--Powers and duties. It shall be the general duty of the city traffic engineer to determine the installation and proper timing and maintenance of traffic control devices and signals, to conduct engineering analyses of traffic accidents and to devise remedial measures, to conduct the engineering and traffic surveys and investigations of traffic conditions, and to cooperate with other city officials in the development of ways and means to improve traffic conditions, and to carry out the additional powers and duties imposed by ordinances of this city. Whenever, by the provisions of this title, a power is granted to the city traffic engineer or a duty imposed upon him, the power may be exercised or the duty performed by his deputy or by a person authorized in writing by him. (Ord. 74-6 §2.5, 1974)

10.08.070 Traffic committee--Established. There is established an advisory traffic committee to serve without compensation consisting of the city traffic engineer, the chief of police or at his discretion as his representative the chief of the traffic division, a member of the city council, and one representative each from the city engineer's office and the city attorney's office, and such number of other city officers and representatives of unofficial bodies as may be determined and appointed by the mayor. The chairman of the committee shall be appointed by the mayor and be removed by him. (Ord. 74-6 §2.6, 1974)

10.08.080 Traffic committee--Powers and duties. It shall be the duty of the traffic committee to suggest the practicable means for coordinating the activities of all officers and agencies of this city having authority with respect to the administration or enforcement of traffic regulations, to assist in the preparation and publication of traffic reports, to receive complaints having to do with traffic matters, and to recommend to the legislative body of this city and to the city traffic engineer, the chief of the traffic division and other city officials ways and means for

improving traffic conditions and the administration and enforcement of traffic regulations. (Ord. 74-6 §2.7, 1974)

Chapter 10.12

ENFORCEMENT

Sections:

- 10.12.010 Authority.
- 10.12.020 Restrictions.
- 10.12.030 Applicability to bicycles and animals.
- 10.12.040 Public employee compliance required.
- 10.12.050 Exemptions.
- 10.12.060 Vehicle removal.
- 10.12.070 Towing solicitation prohibited.
- 10.12.080 Violation--Penalty.

10.12.010 Authority. Officers of the police department and such other persons as are so authorized by the chief of police are authorized to direct all traffic by voice, hand, audible, or other signal in conformance with traffic laws, except that in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the police department or members of the fire department may direct traffic as conditions may require, notwithstanding any provisions to the contrary contained in this title or the Vehicle Code. (Ord. 74-6 §3(part), 1974)

10.12.020 Restrictions. No person other than an officer of the police department or members of the fire department or a person authorized by the chief of police or a person authorized by law shall direct or attempt to direct traffic by voice, hand, or other signal, except that persons may operate, when and as provided in this title, a mechanical pushbutton signal erected by order of the city traffic engineer. (Ord. 74-6 §3.1, 1974)

10.12.030 Applicability to bicycles and animals. Every person riding a bicycle or riding or driving an animal upon a street or highway has all of the rights and shall be subject to all the duties applicable to the driver of a vehicle by this title, except those provisions which by their very nature can have no application. (Ord. 74-6 §3.3, 1974)

10.12.040 Public employee compliance required. The provisions of this title shall apply to the operator of any vehicle owned by or used in the service of the United States

Government, this state, any county or city, and it is unlawful for any such operator to violate any of the provisions of this title except as otherwise permitted in this title or by the Vehicle Code. (Ord. 74-6 §3.5, 1974)

10.12.050 Exemptions. A. The provisions of this title regulating the operation, parking and standing of vehicles shall not apply to vehicles operated by the police or fire department, any public ambulance, or any public utility vehicle, or any private ambulance, when any vehicle mentioned in this section is operated in the manner specified in the Vehicle Code in response to an emergency call.

B. The exceptions stated in subsection A of this section shall not, however, relieve the operator of any such vehicle from obligation to exercise due care for the safety of others or the consequences of his willful disregard of the safety of others.

C. The provisions of this title regulating the parking or standing of vehicles shall not apply to any vehicle of a city department or public utility while necessarily in use for construction or repair work or any vehicle owned or operated by the United States Post Office Department while in use for the collection, transportation, or delivery of United States mail. (Ord. 74-6 §3.6, 1974)

10.12.060 Vehicle removal. Any regularly employed and salaried officer of the police department of this city may remove or cause to be removed:

A. Any vehicle that has been parked or left standing upon a street or highways for seventy-two or more consecutive hours;

B. Any vehicle which is parked or left standing upon a street or highway between the hours of seven a.m. and seven p.m. when such parking or standing is prohibited by ordinance or resolution of this city and signs are posted giving notice of such removal;

C. Any vehicle which is parked or left standing upon a street or highway where the use of such street or highway or a portion thereof is necessary for the cleaning, repair, or construction of the street or highway or for the installation of underground utilities or where the use of the street or highway or any portion thereof is necessary for the movement of equipment, articles, or structures of unusual size and the parking of such vehicle would prohibit or interfere with such use or movement; provided, that signs giving notice that such vehicle may be removed are erected or placed at least twenty-four hours prior to the removal. (Ord. 74-6 §3.8, 1974)

10.12.070 Towing solicitation prohibited. A. No person shall, at the location of any vehicular accident, collision, or other catastrophe or calamity, solicit or offer the sale of any tow service or the sale of any other services.

B. The prohibition contained in this section shall apply from the time of the happening of any of the aforesaid occurrences until a reasonable time thereafter, and at all times while law enforcement officers, public health personnel, emergency personnel, and other persons discharging duties imposed by law, are actively engaged in the performance of duty at the location of said occurrences. (Ord. 74-6 §3.9, 1974)

10.12.080 Violation--Penalty. Any person violating the provisions of Section 10.32.180 or Section 10.52.040 is guilty of an infraction and subject to a fine of ten dollars. Any person violating the provisions of any other section of this title is guilty of an infraction and subject to a fine of twenty dollars. (Ord. 84-06 §8, 1984: Ord. 74-6 §15, 1974)

Chapter 10.16

TRAFFIC-CONTROL DEVICES

Sections:

- 10.16.010 Installation.
- 10.16.020 Required.
- 10.16.030 Lane marking.
- 10.16.040 Roadway marking.
- 10.16.050 Removal, relocation, or discontinuance.
- 10.16.060 Hours of operation.
- 10.16.070 Curb painting restrictions.

10.16.010 Installation. A. The city traffic engineer shall have the power and duty to place and maintain or cause to be placed and maintained official traffic-control devices when and as required to make effective the provisions of this title.

B. Whenever the Vehicle Code requires for the effectiveness of any provision thereof that traffic-control devices be installed to give notice to the public of the application of such law, the city traffic engineer is authorized to install or cause to be installed the necessary devices subject to any limitations or restrictions set forth in the law applicable thereto.

C. The city traffic engineer may also place and maintain or cause to be placed and maintained such additional

traffic-control devices as he may deem necessary or proper to regulate traffic or to guide or warn traffic, but he shall make such determinations only upon the basis of traffic engineering principles, surveys, and traffic investigations and in accordance with such standards, limitations, and rules as may be set forth in this title or as may be determined by ordinance or resolution of the council. (Ord. 74-6 §4(part), 1974)

10.16.020 Required. No provision of the Vehicle Code or of this title for which signs are required shall be enforced against an alleged violator unless appropriate legible signs are in place giving notice of such provisions of the traffic laws. (Ord. 74-6 §4.1, 1974)

10.16.030 Lane marking. The city traffic engineer is authorized to mark centerlines and lane lines upon the surface of the roadway to indicate the course to be travelled by vehicles and may place signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the centerline of the highway. (Ord. 74-6 §4.3, 1974)

10.16.040 Roadway marking. The city traffic engineer is authorized to place and maintain distinctive roadway markings as described in the Vehicle Code on those streets or parts of streets where the volume of traffic or the vertical or other curvature of the roadway renders it hazardous to drive on the left side of such marking or signs and markings. Such marking or signs and marking shall have the same effect as similar markings placed by the Department of Transportation pursuant to the provisions of the Vehicle Code. (Ord. 82-10 §3, 1982: Ord. 74-6 §4.4, 1974)

10.16.050 Removal, relocation, or discontinuance. The city traffic engineer is authorized to remove, relocate, or discontinue the operation of any traffic-control device not specifically required by the Vehicle Code or this title whenever he determines in any particular case that the conditions which warranted or required the installation no longer exist. (Ord. 74-6 §4.5, 1974)

10.16.060 Hours of operation. The city traffic engineer shall determine the hours and days during which any traffic-control device shall be in operation or be in effect, except in those cases where such hours or days are specified in this title. (Ord. 74-6 §4.6, 1974)

10.16.070 Curb painting restrictions. No person, unless authorized by this city, shall paint any street or curb surface; provided, however, that this section shall not apply to the painting of numbers on a curb surface by any

person who has complied with the provisions of any resolution or ordinance of this city pertaining thereto. (Ord. 74-6 §4.7, 1974)

Chapter 10.20

TURNING MOVEMENTS

Sections:

- 10.20.010 Traffic control device placement.
- 10.20.020 Restriction signposting.
- 10.20.030 Right turn at intersection.

10.20.010 Traffic control device placement. The city traffic engineer is authorized to place official traffic-control devices within or adjacent to intersections and indicating the course to be travelled by vehicles turning at such intersections, and the city traffic engineer is authorized to locate and indicate more than one lane of traffic from which drivers of vehicles may make right or left hand turns, and the course to be travelled as so indicated may conform to or be other than as prescribed by law or ordinance. (Ord. 74-6 §5, 1974)

10.20.020 Restriction signposting. The city traffic engineer is authorized to determine those intersections at which drivers of vehicles shall not make a right turn, left turn, or U-turn, and shall place proper signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event, the same shall be plainly indicated on the signs or they may be removed when such turns are permitted. (Ord. 74-6 §5.1, 1974)

10.20.030 Right turn at intersection. A. No driver of a vehicle shall make a right turn against a red or stop signal at any intersection which is signposted giving notice of such restriction as provided in subsection B of this section.

B. The city traffic engineer shall post appropriate signs giving effect to this section where he determines that the making of a right turn against traffic signal stop indication would seriously interfere with the safe and orderly flow of traffic. (Ord. 74-6 §5.2, 1974)

Chapter 10.24

ONE-WAY STREETS AND ALLEYS

Sections:

10.24.010 Signposting.

10.24.010 Signposting. Whenever any ordinance or resolution of this city designates any one-way street or alley, the city traffic engineer shall place and maintain signs giving notice thereof, and no such regulation shall be effective unless such signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited. (Ord. 74-6 §6, 1974)

Chapter 10.28

SPECIAL STOPS

Sections:

10.28.010 Signposting.

10.28.020 Obedience to stop signs required.

10.28.030 Emerging from alley or driveway.

10.28.010 Signposting. A. Whenever any ordinance or resolution of this city designates and describes any street or portion thereof as a through street, or any intersection at which vehicles are required to stop at one or more entrances thereto, or any railroad grade crossing at which vehicles are required to stop, the city traffic engineer shall erect and maintain stop signs as designated in subsection B of this section.

B. A stop sign shall be erected on each and every street intersecting such through street or portion thereof so designated and at those entrances to other intersections where a stop is required and at any railroad grade crossing so designated; provided, however, stop signs shall not be erected or maintained at any entrance to an intersection when such entrance is controlled by an official traffic-control signal. Every such sign shall conform with and shall be placed as provided in the Vehicle Code. (Ord. 74-6 §7(part), 1974)

10.28.020 Obedience to stop signs required. A. It is unlawful to fail to obey a stop sign erected as provided in this title.

B. Those streets and parts of streets so established by resolution or ordinance of the council are declared to be through streets for the purposes of this section.

C. The provisions of this section shall also apply at one or more entrances to the intersections as such entrances and intersections are established by resolution or ordinance of the council.

D. The provisions of this section shall apply at those highway railway grade crossings as may be established by resolution or ordinance of the council. (Ord. 74-6 §7.1, 1974)

10.28.030 Emerging from alley or driveway. The driver of a vehicle emerging from an alley, driveway, or building shall stop such vehicle immediately prior to driving onto a sidewalk or into the sidewalk area extending across any alleyway or driveway. (Ord. 74-6 §7.2, 1974)

Chapter 10.32

STOPPING, STANDING, AND PARKING

Sections:

- 10.32.010 Applicability of provisions.
- 10.32.020 Parkway restrictions.
- 10.32.030 No stopping zones and no parking areas.
- 10.32.040 No parking area requirements.
- 10.32.050 Vehicle storage prohibited.
- 10.32.060 Sale or demonstration prohibited.
- 10.32.070 Repair prohibited.
- 10.32.080 Washing or polishing prohibited.
- 10.32.090 Narrow street restrictions.
- 10.32.100 Peddler and vendor parking.
- 10.32.110 Food cart permit.
- 10.32.120 For-hire vehicle.
- 10.32.130 Permit--Restrictions.
- 10.32.140 Permit--Requirements.
- 10.32.150 Emergency parking.
- 10.32.160 Limited time parking.
- 10.32.170 Parallel parking.
- 10.32.180 Distance from curb.
- 10.32.190 Parking against traffic flow.
- 10.32.200 Prohibition signposting.
- 10.32.210 Commercial or public utility vehicles.
- 10.32.220 Diagonal parking.
- 10.32.230 Space marking.
- 10.32.240 No stopping zones.
- 10.32.250 Curb marking--Generally.

Sections: (Continued)

- 10.32.260 Curb marking--Red.
- 10.32.270 Curb marking--Yellow.
- 10.32.280 Curb marking--White.
- 10.32.290 Commercial vehicle parking.

10.32.010 Applicability of provisions. A. The provisions of this title prohibiting the stopping, standing, or parking of a vehicle shall apply at all times or at those times specified in this chapter, except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or other authorized person or of an official traffic-control device.

B. The provisions of this title imposing a time limit on standing or parking shall not relieve any person from the duty to observe other and more restrictive provisions of the Vehicle Code or the ordinances of this city prohibiting or limiting the standing or parking of vehicles in specified places or at specified times. (Ord. 74-6 §10(part), 1974)

10.32.020 Parkway restrictions. No person shall stop, stand, or park a vehicle within any parkway, except as otherwise provided in this title. (Ord. 74-6 §10.1, 1974)

10.32.030 No stopping zones and no parking areas. A. The city traffic engineer is authorized to maintain, by appropriate signs or by paint upon the curb surface, all no stopping zones, no parking areas, and restricted parking areas, as defined and described in this title.

B. When said curb markings or signs are in place, no operator of any vehicle shall stop, stand, or park such vehicle adjacent to any such legible curb marking or sign in violation of any of the provisions of this title. (Ord. 74-6 §10.2, 1974)

10.32.040 No parking area requirements. No operator of any vehicle shall stop, stand, or leave standing such vehicle in any of the following places, except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or other authorized person, or an official traffic-control device:

A. Within any divisional island unless authorized and clearly indicated with appropriate signs or markings;

B. On either side of any street between the projected property lines of any public walk, public steps, street, or thoroughfare terminating at such street, when such area is indicated by appropriate signs or by red paint upon the curb surface;

C. In any area where the city traffic engineer determines that the parking or stopping of a vehicle would constitute a traffic hazard or would endanger life or

property, when such area is indicated by appropriate signs or by red paint upon the curb surface;

D. In any area established by resolution of the council as a no parking or restricted parking area, when such area is indicated by appropriate signs or by red paint upon the curb surface. In the case of a restricted parking area, this subsection shall apply only to vehicles for which such restriction is established;

E. In any area where the parking or stopping of any vehicle would constitute a traffic hazard or would endanger life or property;

F. On any street or highway where the use of such street or highway or a portion thereof is necessary for the cleaning, repair, or construction of the street or highway or the installation of underground utilities or where the use of the street or highway or any portion thereof is authorized for a purpose other than the normal flow of traffic or where the use of the street or highway or any portion thereof is necessary for the movement of equipment, articles, or structures of unusual size and the parking of such vehicle would prohibit or interfere with such use or movement; provided, that signs giving notice of such no-parking are erected or placed at least twenty-four hours prior to the effective time of such no-parking;

G. At any place within twenty feet of a point on the curb immediately opposite the midblock end of a safety zone, when such place is indicated by appropriate signs or by red paint upon the curb surface;

H. At any place within twenty feet of a crosswalk at an intersection in the central traffic district or in any business district when such place is indicated by appropriate signs or by red paint upon the curb surface except that a bus may stop at a designated bus stop;

I. Within twenty feet of the approach to any traffic signal, boulevard stop sign, or official electric flashing device. (Ord. 74-6 §10.3, 1974)

10.32.050 Vehicle storage prohibited. No person who owns or has possession, custody, or control of any vehicle shall park such vehicle upon any street or alley for more than a consecutive period of seventy-two hours. (Ord. 74-6 §10.4, 1974)

10.32.060 Sale or demonstration prohibited. No operator of any vehicle shall park said vehicle upon any street in this city for the principal purpose of advertising or displaying it for sale, unless authorized by resolution of the council. (Ord. 74-6 §10.5, 1974)

10.32.070 Repair prohibited. No person shall construct or cause to be constructed, repair or cause to be repaired, grease or cause to be greased, dismantle or cause

to be dismantled, any vehicle or any part thereof upon any public street in the city. Temporary emergency repairs may be made on a public street. (Ord. 74-6 §10.6, 1974)

10.32.080 Washing or polishing prohibited. No person shall wash or cause to be washed, polish or cause to be polished, any vehicle or any part thereof upon any public street in this city when a charge is made for such service. (Ord. 74-6 §10.7, 1974)

10.32.090 Narrow street restrictions. A. The city traffic engineer is authorized to place signs or markings indicating no parking upon any street when the width of the roadway does not exceed twenty feet, or upon one side of a street as indicated by such signs or markings when the width of the roadway does not exceed thirty feet.

B. When official signs or markings prohibiting parking are erected upon narrow streets as authorized in this section, no person shall park a vehicle upon any such street in violation of any such sign or marking. (Ord. 74-6 §10.8, 1974)

10.32.100 Peddler and vendor parking. Except as otherwise provided in Sections 10.32.110 through 10.32.140, no person shall stand or park any vehicle, wagon, or pushcart from which goods, wares, merchandise, fruits, vegetables, or foodstuffs are sold, displayed, solicited, or offered for sale or bartered or exchanged, or any lunch wagon or eating car or vehicle, on any portion of any street within this city except that such vehicles, wagons, or pushcarts may stand or park only at the request of a bona fide purchaser for a period of time not to exceed ten minutes at any one place. The provisions of this section shall not apply to persons delivering such articles upon order of or by agreement with a customer from a store or other fixed place of business or distribution. (Ord. 74-6 §10.9(a), 1974)

10.32.110 Food cart permit. No person shall park or stand on any street any lunch wagon, eating cart or vehicle, or pushcart from which tamales, peanuts, popcorn, candy, ice cream, or other articles of food are sold or offered for sale without first obtaining a written permit to do so from the city traffic engineer. (Ord. 74-6 §10.9(b), 1974)

10.32.120 For-hire vehicle. No person shall park or stand any vehicle or wagon used or intended to be used in the transportation of persons for hire on any street while awaiting patronage for such vehicle or wagon without first obtaining a written permit to do so from the city traffic engineer which shall designate the specific location where such vehicle may stand. (Ord. 74-6 §10.9(c), 1974)

10.32.130 Permit--Restrictions. Whenever any permit is granted under the provisions of this chapter and a particular location to park or stand is specified therein, no person shall park or stand any vehicle, wagon, or pushcart on any location other than is designated in such permit. In the event that the holder of any such permit is convicted in a court of competent jurisdiction of violating any of the provisions of this chapter, such permit shall be forthwith revoked by the city traffic engineer upon the filing of the record of such conviction with such officer and no permit shall thereafter be issued to such person until six months have elapsed from the date of such revocation. (Ord. 74-6 §10.9(d), 1974)

10.32.140 Permit--Requirements. The city traffic engineer shall issue a permit when such a permit is required by this chapter upon the completion of an application which shall state the name and place of business, or home address, of the applicant, a description of the business to be conducted, the length of time for which the permit is requested, and the particular location on which parking or standing is requested. No permit shall be issued until the fee therefor, which shall be determined from time to time by resolution of the city council, is paid. No permit shall be issued unless the application is completed. The city traffic engineer shall not issue any permit if the location on which parking or standing is requested will interfere with traffic, either directly or indirectly. (Ord. 82-10 §5, 1982: Ord. 74-6 §10.9(e), 1974)

10.32.150 Emergency parking. A. Whenever the chief of police determines that an emergency traffic congestion is likely to result from the holding of public or private assemblages, gatherings, or functions, or for other reasons, the chief of police shall have power and authority to order temporary signs to be erected or posted indicating that the operation, parking, or standing of vehicles is prohibited on such streets and alleys as the chief of police shall direct during the time such temporary signs are in place. Such signs shall remain in place only during the existence of such emergency and the chief of police shall cause such signs to be removed promptly thereafter.

B. When signs authorized by the provisions of this section are in place giving notice thereof, no person shall operate, park, or stand any vehicle contrary to the directions and provisions of such signs. (Ord. 74-6 §10.10, 1974)

10.32.160 Limited time parking. A. Green curb markings shall mean standing or parking for a limited period of time only. Authorized signs or curb markings indicating the time limit shall be placed.

B. When authorized signs or curb markings are in place giving notice thereof, no operator of any vehicle shall stop, stand, or park said vehicle adjacent to any such legible curb markings or sign in violation thereof. (Ord. 82-10 §6, 1982: Ord. 74-6 §11, 1874)

10.32.170 Parallel parking. Subject to other more restrictive limitations and except as otherwise provided in this title, stopping or parking a vehicle on a city street shall be permitted only within eighteen inches of and parallel with the right-hand curb and facing in the direction of traffic movement in the traffic lane closest to such curb, except that motorcycles shall be parked with at least one wheel or fender touching the right-hand curb. (Ord. 82-10 §7(part), 1982: Ord. 74-6 §11.1(a), 1974)

10.32.180 Distance from curb. Subject to other and more restrictive limitations, a vehicle may be stopped or parked within eighteen inches of the left-hand curb facing in the direction of traffic movement upon any one-way street unless signs are in place prohibiting such stopping or standing. (Ord. 82-10 §7(part), 1982: Ord. 74-6 §11.1(b), 1974)

10.32.190 Parking against traffic flow. In the event a highway includes two or more separate roadways and traffic is restricted to one direction upon such roadway, no person shall stand or park a vehicle upon the left-hand side of such one-way roadway unless signs are in place permitting such standing or parking. (Ord. 82-10 §7(part), 1982: Ord. 74-6 §11.1(c), 1974)

10.32.200 Prohibition signposting. The city traffic engineer is authorized to determine when standing or parking shall be prohibited upon the left-hand side of any one-way street or when standing or parking may be permitted upon the left-hand side of any one-way roadway of a highway having two or more separate roadways and shall erect signs giving notice thereof. (Ord. 82-10 §7(part), 1982: Ord. 74-6 §11.1(d), 1974)

10.32.210 Commercial or public utility vehicles. A. The requirements of parallel parking imposed by this chapter shall not apply in the event any commercial vehicle is actually engaged in the loading or unloading of merchandise or passengers on, or from, such vehicle and while anything connected with such loading or unloading is being executed; provided, that such vehicle does not extend beyond the centerline on the street or does not block traffic thereby. B. The requirements of parallel parking imposed by this chapter shall not apply to vehicles of a public utility when such vehicles are being used in connection with the

operation, maintenance, or repair of facilities of the public utility or are being used in connection with providing public utility service. (Ord. 82-10 §7(part), 1982: Ord. 74-6 §11.1(e), (f), 1974)

10.32.220 Diagonal parking. A. On any of the streets or portions of street established by resolution of the council as diagonal parking zones, when signs or pavement markings are in place indicating such diagonal parking, it is unlawful for the operator of any vehicle to park said vehicle except:

1. At the angle to the curb indicated by signs or pavement markings allotting space to parked vehicles and entirely within the limits of said allotted space,

2. With the front wheel nearest the curb within six inches of said curb.

B. The provisions of this section shall not apply when such vehicle is actually engaged in the process of loading or unloading passengers, freight, or goods, in which event, the provisions applicable in Sections 10.32.170 through 10.32.210 shall be complied with.

C. When diagonal parking is being utilized on any street, it is unlawful to drive a vehicle into or across a lane of opposing traffic when entering or leaving a parking space. (Ord. 74-6 §11.2, 1974)

10.32.230 Space marking. A. The city traffic engineer is authorized to install and maintain parking space markings to indicate parking spaces adjacent to curbs where authorized parking is permitted.

B. When such parking space markings are placed on the highway, subject to other and more restrictive limitations, no vehicle shall be stopped, left standing, or parked other than within a single space, unless the size or shape of such vehicle makes compliance impossible. (Ord. 74-6 §11.3, 1974)

10.32.240 No stopping zones. A. The city traffic engineer shall designate established no stopping zones by placing and maintaining appropriate signs indicating that stopping of vehicles is prohibited and indicating the hours and days when stopping is prohibited.

B. During the hours and on the days designated on the signs, it is unlawful for the operator of any vehicle to stop said vehicle on any of the streets or parts of streets established by resolution of the council as no stopping zones. (Ord. 74-6 §11.4, 1974)

10.32.250 Curb marking--Generally. The city traffic engineer is authorized, subject to the provisions and limitations of this title, to place, and when required

herein shall place, the curb markings set out in Sections 10.32.260 through 10.32.280 to indicate standing or parking regulations, and said curb markings shall have the meanings as set forth in this chapter. (Ord. 74-6 §12.1(a)(part), 1974)

10.32.260 Curb marking--Red. Red shall mean no stopping, standing, or parking at any time except as permitted by the Vehicle Code, and except that a bus may stop in a red zone marked by or signed as a bus zone. (Ord. 74-6 §12.1(a)(1), 1974)

10.32.270 Curb marking--Yellow. Yellow shall mean no stopping, standing, or parking at any time between seven a.m. and six p.m. of any day except Sundays and holidays for any purpose other than the loading or unloading of passengers or materials; provided, that the loading or unloading of passengers shall not consume more than three minutes nor the loading or unloading of materials more than twenty minutes. (Ord. 74-6 §12.1(a)(2), 1974)

10.32.280 Curb marking--White. White shall mean no stopping, standing, or parking for any purpose other than the loading or unloading of passengers, or for the purpose of depositing mail in an adjacent mailbox, which shall not exceed three minutes and such restriction shall apply between seven a.m. and six p.m. of any day except Sundays and holidays and except as follows:

- A. When such zone is in front of a hotel or in front of a mailbox, the restrictions shall apply at all times;
- B. When such zone is in front of a theater, the restrictions shall apply at all times except when such theater is closed;
- C. When the city traffic engineer as authorized under this title has caused curb markings to be placed, no person shall stop, stand, or park a vehicle adjacent to any such legible curb marking in violation of any of the provisions of this chapter. (Ord. 74-6 §12.1(a)(3), 1974)

10.32.290 Commercial vehicle parking. A. For the purposes of this section, "commercial vehicle" means and includes any vehicle registered for commercial purposes pursuant to the applicable provisions of the California Vehicle Code and having a manufacturer's gross vehicle weight of ten thousand pounds or more, and any trailer or semitrailer designed to be drawn by such vehicle.

- B. No commercial vehicle shall be stopped, parked, or left standing on any street within the city as follows:
 - 1. On any street within any nonresidential zoning district for longer than one hour;
 - 2. On any street within any residential zoning district at any time.

C. Any commercial vehicle stopped, parked, or left standing in violation of this section, when signs are posted giving notice of removal, may be removed and stored at said vehicle owner's expense. The removal and storage of any commercial vehicle stopped, parked, or left standing in violation of this section shall be carried out pursuant to Section 22850 et seq. of the Vehicle Code.

D. Any person who violates the provisions of this section shall be guilty of an infraction and shall be subject to the following:

1. A fine of one hundred dollars for a first violation;

2. A fine of two hundred dollars for a second violation occurring within one year of the first violation which resulted in a conviction;

3. A fine of two hundred fifty dollars for a third or any subsequent violations occurring within one year of two or more prior violations which resulted in convictions.

E. The application of the provisions of subsection D of this section shall not be held to prevent the removal of a commercial vehicle pursuant to subsection C of this section;

F. The provisions of this section shall not apply to vehicles of a public utility when such vehicles are being used in connection with the operation, maintenance, or repair of facilities of the public utility or being used in connection with providing public utility service, or to any commercial vehicle making pickups or deliveries of goods, wares, or merchandise from or to a building or structure located on a restricted street or for the purpose of delivering materials to be used in the actual and bona fide repair, alteration, remodeling, or construction of any building or structure upon a restricted street for which a building permit has previously been obtained. (Ord. 87-06 §1, 1987)

Chapter 10.36

LOADING

Sections:

- 10.36.010 Zone establishment.
- 10.36.020 Procedure.
- 10.36.030 Restrictions.
- 10.36.040 Passenger zone.
- 10.36.050 Standing in alleys.

10.36.010 Zone establishment. A. The city traffic engineer is authorized to determine and to mark loading zones and passenger loading zones as follows:

1. At any place in the central traffic district or any business district;

2. Elsewhere in front of the entrance to any place of business or in front of any hall or place used for the purpose of public assembly.

B. In no event shall more than one-half of the total curb length in any block be reserved for loading zone purposes.

C. Loading zones shall be indicated by yellow paint upon the top of all curbs within such zones.

D. Passenger loading zones shall be indicated by white paint upon the top of all curbs in said zones. (Ord. 74-6 §12, 1974)

10.36.020 Procedure. A. Permission herein granted to stop or stand a vehicle for purposes of loading or unloading of materials shall apply only to commercial vehicles and shall not extend beyond the time necessary therefor, and in no event for more than twenty minutes.

B. The loading or unloading of materials shall apply only to commercial deliveries, also the delivery or pickup of express and parcel post packages and United States mail.

C. Permission granted herein to stop or park for purposes of loading or unloading passengers shall include the loading or unloading of personal baggage but shall not extend beyond the time necessary therefor and in no event for more than three minutes.

D. Within the total time limits specified in this section, the provisions of this chapter shall be enforced so as to accommodate necessary and reasonable loading or unloading but without permitting abuse of the privileges hereby granted. (Ord. 74-6 §12.2, 1974)

10.36.030 Restrictions. No person shall stop, stand, or park a vehicle in any yellow loading zone for any purpose other than loading or unloading passengers or materials for such time as is permitted in Section 10.36.020. (Ord. 74-6 §12.3, 1974)

10.36.040 Passenger zone. No person shall stop, stand, or park a vehicle in any passenger loading zone except as is specified in Section 10.36.020. (Ord. 74-6 §12.4, 1974)

10.36.050 Standing in alleys. No person shall stop, stand, or park a vehicle for any purpose other than the loading or unloading of persons or materials in any alley. (Ord. 74-6 §12.5, 1974)

Chapter 10.40SPEED LIMITSSections:

- 10.40.010 Twenty-five miles per hour throughout city.
 10.40.020 Exceptions.

10.40.010 Twenty-five miles per hour throughout city.
 The prima facie speed limit for all streets within the city, unless specifically posted otherwise, shall be twenty-five miles per hour. (Ord. 86-08 §1(part), 1986)

10.40.020 Exceptions. It is determined upon the basis of an engineering and traffic survey that a prima facie speed limit greater than twenty-five miles per hour is necessary to facilitate the orderly, safe and reasonable movement of vehicular traffic upon the streets or parts of streets within the city designated in this section; and is is declared that the prima facie speed limit for each of those streets or parts of streets shall be as set forth in this section. The prima facie speed limits established by this section shall be effective when appropriate signs giving notice thereof are erected upon the street.

<u>Name of Street or Part of Street</u>	<u>Declared Prima Facie Speed Limit</u>
A. Santa Fe Avenue, northbound and southbound, between the northerly city limits and the southerly city limits	45
B. Tully Road, northbound and southbound, between Whitmore Avenue and the southerly city limits	45
C. Whitmore Avenue, eastbound and westbound, between a point seventy-five feet west of the west edge prolongation of the Santa Fe railroad tracks and the westerly city limits	45

(Ord. 86-08 §1(part), 1986)

Chapter 10.44TRUCK ROUTESSections:

- 10.44.010 Establishment.
- 10.44.020 Pickup and delivery.
- 10.44.030 Exemption.
- 10.44.040 Designated.
- 10.44.050 Signposting.
- 10.44.060 Applicability of provisions.

10.44.010 Establishment. Whenever any resolution of the city council designates and describes any street or portion thereof as a street, the use of which is permitted by any vehicle exceeding a gross weight of eight tons, the traffic engineer is authorized to designate such street or streets by appropriate signs as "Truck Traffic Route" for the movement of vehicles exceeding a gross weight of eight tons. (Ord. 78-3 §1(part), 1978: Ord. 74-6 §8.3(a), 1974)

10.44.020 Pickup and delivery. When any such truck traffic route or routes are established and designated by appropriate signs, the operator of any vehicle exceeding a

gross weight of eight tons shall drive on such route or routes and none other except that nothing in this chapter shall prohibit the operator of any vehicle exceeding a gross weight of eight tons coming from a "Truck Traffic Route" having ingress and egress by direct route to and from restricted streets when necessary for the purpose of making pickups or deliveries of goods, wares, and merchandise from or to any building or structure located on such restricted streets or for the purpose of delivering materials to be used in the actual and bona fide repair, alteration, remodeling, or construction of any building or structure upon such restricted streets for which a building permit has perviously been obtained. (Ord. 78-3 §1(part), 1978: Ord. 74-6 §8.3(b), 1974)

10.44.030 Exemption. The provisions of this chapter shall not apply to passenger buses under the jurisdiction of the public utilities commission or to any vehicle owner by a public utility while necessarily in use in the construction, installation, or repair of any public utility. (Ord. 78-3 §1(part), 1978: Ord. 74-6 §8.3(c), 1974)

10.44.040 Designated. Those streets and parts of streets so marked are declared to be truck traffic routes for the movement of vehicles exceeding a gross weight of eight tons. (Ord. 78-3 §1(part), 1978: Ord. 74-6 §8.3(d), 1974)

10.44.050 Signposting. Whenever any regulation of this city designates and describes any street or portion thereof as a street the use of which is prohibited by any commercial vehicle, the traffic engineer shall erect and maintain appropriate signs on those streets affected by such regulations. (Ord. 82-10 §8(part), 1982: Ord. 74-6 §8.4(part), 1974)

10.44.060 Applicability of provisions. Those streets and parts of streets so marked are declared to be streets the use of which is prohibited by any commercial vehicle. The provisions of this chapter shall not apply to passenger buses under the jurisdiction of the public utilities commission nor to commercial vehicles coming from an unrestricted street having ingress and egress by direct route to and from a restricted street when necessary for the purpose of making pickups or deliveries of goods, wares, and merchandise from or to any building or structure located on the restricted street or for the purpose of delivering materials to be used in the actual and bona fide repair, alteration, remodeling, or construction of any building or structure upon the restricted street for which a building permit has previously been obtained. (Ord. 82-10 §8(part), 1982: Ord. 74-6 §8.4(part), 1974)

Chapter 10.48

DRIVING RULES

Sections:

- 10.48.010 Driving through funeral procession.
- 10.48.020 Commercial vehicle in private driveway.
- 10.48.030 Commercial vehicle defined.
- 10.48.040 Driving on sidewalk.
- 10.48.050 Excessive acceleration.
- 10.48.060 Driving on fresh pavement.
- 10.48.070 Sign and barrier obedience.
- 10.48.080 Obstructing intersections.
- 10.48.090 Limited access roadways.

10.48.010 Driving through funeral procession. No operator of any vehicle shall drive between the vehicles comprising a funeral procession or a parade; provided, that such vehicles are conspicuously so designated. The directing of all vehicles and traffic on any street over which such funeral procession or parade wishes to pass shall be subject to the orders of the police department. (Ord. 74-6 §8, 1974)

10.48.020 Commercial vehicle in private driveway. No person shall operate or drive a commercial vehicle in, on, or across any private driveway approach or sidewalk area or the driveway itself without the consent of the owner or occupant of the property, if a sign or markings are in place indicating that the use of such driveway is prohibited. (Ord. 74-6 §8.2(part), 1974)

10.48.030 Commercial vehicle defined. For the purposes of this chapter, a commercial vehicle shall mean a vehicle having a rated capacity in excess of three-quarter ton. (Ord. 74-6 §8.2(part), 1974)

10.48.040 Driving on sidewalk. No person shall ride, drive, propel, or cause to be propelled any vehicle or animal across or upon any sidewalk except over permanently constructed driveways and except when it is necessary for any temporary purpose to drive a loaded vehicle across a sidewalk; provided, that such sidewalk area shall be substantially protected by wooden planks two inches thick, and written permission be previously obtained from the city traffic engineer. Such wooden planks shall not be permitted to remain upon such sidewalk area during the hours from six p.m. to six a.m. (Ord. 74-6 §8.5, 1974)

10.48.050 Excessive acceleration. It is unlawful for any person in operating a motor vehicle within the city to so accelerate the same as to cause audible noise by tire friction on pavement or to cause the tires of said vehicle to leave skid marks upon the pavement except when such acceleration is reasonably necessary to avoid collision. (Ord. 74-6 §8.6, 1974)

10.48.060 Driving on fresh pavement. No person shall ride or drive any animal or vehicle over or across any newly made pavement or freshly painted markings in any street when a barrier sign, cone marker, or other warning device is in place warning persons not to drive over or across such pavement or markings, or when any such device is in place indicating that the street or any portion thereof is closed. (Ord. 74-6 §8.7, 1974)

10.48.070 Sign and barrier obedience. No person, public utility, or department of the city shall erect or place any barrier or sign on any street unless of a type approved by the city traffic engineer. No person shall disobey the instructions of, remove, tamper with, or destroy any barrier or sign lawfully placed on any city street by any person, public utility or by any department of this city. (Ord. 74-6 §8.8, 1974)

10.48.080 Obstructing intersections. No operator of any vehicle shall enter any intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic-control signal indicator to proceed. (Ord. 74-6 §8.9, 1974)

10.48.090 Limited access roadways. No person shall drive a vehicle onto or from any limited access roadway except at such entrances and exits as are lawfully established. (Ord. 74-6 §8.10, 1974)

Chapter 10.52

PEDESTRIAN CROSSWALKS

Sections:

- 10.52.010 Establishment.
- 10.52.020 Markings.
- 10.52.030 Signposting.
- 10.52.040 Use required.

10.52.010 Establishment. Crosswalks shall be established and maintained by the city traffic engineer at all intersections within the central traffic district and at such intersections outside the central traffic district as he may determine there is a particular hazard to pedestrians crossing the roadway. Crosswalks may also be established between intersections by resolution or ordinance of the city council. (Ord. 74-6 §9(a), 1974)

10.52.020 Markings. The city traffic engineer shall designate and maintain all such crosswalks by appropriate devices, marks, or lines upon the surface of the roadway. (Ord. 74-6 §9(b), 1974)

10.52.030 Signposting. The city traffic engineer may place signs at or adjacent to an intersection or other place in respect to any crosswalk directing that pedestrians shall not cross in the crosswalk so indicated. (Ord. 74-6 §9(c), 1974)

10.52.040 Use required. No pedestrian in the central traffic district or in any business district shall cross a roadway except in a crosswalk. (Ord. 74-6 §9.1, 1974)

Chapter 10.56

ABANDONED VEHICLES

Sections:

- 10.56.010 Findings designated.
- 10.56.020 Nuisance declaration.
- 10.56.030 Definitions.
- 10.56.040 Applicability of provisions.
- 10.56.050 Compliance required.
- 10.56.060 Conflict of provisions.
- 10.56.070 Administration.
- 10.56.080 Removal.
- 10.56.090 Cost assessment.
- 10.56.100 Abatement--Authority.
- 10.56.105 Preliminary notice.
- 10.56.110 Abatement--Notice--Required.
- 10.56.120 Abatement--Notice--Land owner.
- 10.56.130 Abatement--Notice--Vehicle owner.
- 10.56.140 Hearing--Generally.
- 10.56.150 Hearing--Land owner statement.
- 10.56.160 Hearing--Procedure.
- 10.56.170 Hearing--Determination.
- 10.56.180 Land owner liability.
- 10.56.190 Decision notification.

Sections: (Continued)

- 10.56.200 Summary abatement.
- 10.56.210 Notice to Department of Motor Vehicles.
- 10.56.220 Billing.
- 10.56.230 Low-value vehicles.

10.56.010 Findings designated. In addition to and in accordance with the determination made and the authority granted by the state under Section 22660 of the Vehicle Code to remove abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof as public nuisances, the city council makes the findings and declarations set out in this chapter. (Ord. 78-11 §1(part), 1978)

10.56.020 Nuisance declaration. The accumulation and storage of abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof on private or public property not including highways is found to create a condition tending to reduce the value of private property, to promote blight and deterioration, to invite plundering, to create fire hazards, to constitute an attractive nuisance creating a hazard to the health and safety of minors, to create a harborage for rodents and insects and to be injurious to the health, safety, and general welfare. Therefore, the presence of an abandoned, wrecked, dismantled, or inoperative vehicle or parts thereof on private or public property not including highways except as expressly permitted in this chapter is declared to constitute a public nuisance which may be abated as such in accordance with the provisions of this title. (Ord. 78-11 §1(part), 1978)

10.56.030 Definitions. As used in this chapter, the following terms have the meanings respectively ascribed to them:

A. "Highway" means a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. Highway includes street.

B. "Owner of the land" means the owner of the land on which the vehicle, or part thereof, is located, as shown on the last equalized assessment roll.

C. "Owner of the vehicle" means the last registered owner and legal owner of record.

D. "Public property" does not include "highway."

E. "Vehicle" means a device by which any person or property may be propelled, moved, or drawn upon a highway, except a device moved by human power or used exclusively upon stationary rails or tracks.

F. "Abandoned" means deserted, or left untended or unused, with no intention by the lawful owner, or person with right to the use, to resume use or care of the thing for the purpose for which it was intended; abandonment may

be inferred from acts demonstrating an intent to relinquish any right or interest, including, without limitation, failure to maintain proper registration, long-extended lack of care or lack of use, or voluntary neglect.

G. "Wrecked" means destroyed, torn down, dismantled, or badly damaged, so as to be rendered incapable of the safe use for which it was intended without repair, where the condition has been caused by external violence or action, and, in the case of torn down or dismantled, is not in a temporary condition due to undergoing of repairs.

H. "Dismantled" means taken apart, torn down, demolished or razed so as not to be capable of safe use for the purpose for which the thing was intended, under conditions which are long-extended in time or which indicate no intent to repair within a reasonable time.

I. "Inoperative" means incapable of safe operation for the purpose for which the thing was intended due to mechanical or electrical failure, where such condition is long extended in time or where circumstances demonstrate no intent by the owner or lawful user to make the thing operative within a reasonable time. Inoperative does not mean that a vehicle be operational at all times; temporary incapacity or temporary nonuse for repairs does not render a thing inoperative. (Ord. 84-13 §1, 1984: Ord. 78-11 §1(part), 1978)

10.56.040 Applicability of provisions. This chapter shall not apply to:

A. A vehicle or part thereof which is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property; or

B. A vehicle or part thereof which is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer, a junk dealer, or when such storage or parking is necessary to the operation of a lawfully conducted business or commercial enterprise. (Ord. 78-11 §2(a) and (b)(part), 1978)

10.56.050 Compliance required. Nothing in Section 10.56.040 shall authorize the maintenance of a public or private nuisance as defined under the provisions of law other than Chapter 10 (commencing with Section 22650) of Division 11 of the Vehicle Code and this title. (Ord. 78-11 §2(b)(part), 1978)

10.56.060 Conflict of provisions. This chapter is not the exclusive regulation of abandoned, wrecked, dismantled, or inoperative vehicles within the city. It shall supplement and be in addition to the other regulatory codes, statutes, and ordinances heretofore or hereafter enacted by

the city, the state, or any other legal entity or agency having jurisdiction. (Ord. 78-11 §3, 1978)

10.56.070 Administration. Except as otherwise provided in this chapter, the provisions of this chapter shall be administered and enforced by the chief of police. In the enforcement of this chapter such officer and his deputies may enter upon private or public property to examine a vehicle or part or parts thereof to obtain information as to the identity of the vehicle and to remove or cause the removal of a vehicle or part or parts thereof declared to be a nuisance pursuant to this chapter. (Ord. 78-11 §4, 1978)

10.56.080 Removal. When the city council has contracted with or granted a franchise to any person or persons, such person or persons shall be authorized to enter upon private property or public property to remove or cause the removal of a vehicle or part or parts thereof declared to be a nuisance pursuant to this chapter. (Ord. 78-11 §5, 1978)

10.56.090 Cost assessment. The city council shall from time to time determine and fix by resolution an amount to be assessed as administrative costs, excluding the actual costs of removal of any vehicle or part or parts thereof, under this chapter. (Ord. 78-11 §6, 1978)

10.56.100 Abatement--Authority. Upon discovering the existence of an abandoned, wrecked, dismantled, or inoperative vehicle or part or parts thereof on private property or public property within the city, the chief of police shall have the authority to cause the abatement and removal thereof in accordance with the procedure prescribed in this chapter. (Ord. 78-11 §7, 1978)

10.56.105 Preliminary notice. Prior to the mailing of the notice of intention to abate as specified herein, the chief of police shall notify or cause to be notified, whether by telephone, personal visit, or letter, the owner of the land or the owner of the vehicle, that he has cause to believe that there is in existence an abandoned, wrecked, dismantled, or inoperative vehicle or part or parts thereof which may be a nuisance. Such notification shall include a request that the person notified correct the condition, or otherwise show that the condition does not exist, within thirty days. Upon failure to respond, or failure to correct the condition, or failure to show that the condition does not exist, the chief of police shall mail or cause to be mailed the notice of intention to abate as specified in this chapter. (Ord. 84-13 §2, 1984)

10.56.110 Abatement--Notice--Required. A ten-day notice of intention to abate and remove the vehicle or part

or parts thereof as a public nuisance shall be mailed by registered or certified mail to the owner of the land and to the owner of the vehicle, unless the vehicle is in such condition that identification numbers are not available to determine ownership. The notices of intention shall be in substantially the forms set out in Sections 10.56.120 and 10.56.130. (Ord. 78-11 §8(part), 1978)

10.56.120 Abatement--Notice--Land owner. The notice of intention to be sent shall be in the following form:

NOTICE OF INTENTION TO ABATE AND REMOVE AN
ABANDONED, WRECKED, DISMANTLED, OR INOPERATIVE
VEHICLE OR PARTS THEREOF AS A PUBLIC NUISANCE

(Name and address of owner of the land)

As owner shown on the last equalized assessment roll of the land located at (address), you are hereby notified that the undersigned pursuant to Hughson Municipal Code Chapter 10.56 has determined that there exists upon said land an (a part or parts of an) abandoned, wrecked, dismantled, or inoperative vehicle registered to _____, license number _____, which constitutes a public nuisance pursuant to the provisions of said Chapter 10.56.

You are hereby notified to abate such nuisance by the removal of said vehicle (or said part or part or parts of a vehicle) within ten days from the date of mailing of this notice, and upon your failure to do so the same will be abated and removed by the City and the costs thereof, together with administrative costs, assessed to you as owner of the land on which said vehicle (or said part or parts of a vehicle) is located.

As owner of the land on which said vehicle (or part or parts of a vehicle) is located, you are hereby notified that you may, within ten days after the mailing of this notice of intention, request a public hearing on the question of abatement and removal of the vehicle or part or parts thereof, and the assessment of the administrative costs and the cost of removal of the vehicle or part or parts thereof against your property, and if such request is not received by the city council within such ten-day period, the Chief of Police of the City of Hughson shall have the authority to abate and abate and remove said vehicle (or said part or parts of a vehicle) as a public nuisance and assess the costs as aforesaid without a public hearing. You may submit a sworn written statement within such ten-day period denying responsibility for the presence of said vehicle (or said part or parts of a vehicle) on said land, with

your reasons for denial, and such statement shall be construed as a request for hearing at which your presence is not required. You may appear in person at any hearing requested by you or the owner of the vehicle or, in lieu thereof, may present a sworn written statement as aforesaid in time for consideration at such hearing.

Notice Mailed _____ s/ _____
Chief of Police

(Ord. 84-13 §3, 1984: Ord. 78-11 §8(part), 1978)

10.56.130 Abatement--Notice--Vehicle owner. The notice of intention to be sent shall be in the following form:

NOTICE OF INTENTION TO ABATE AND REMOVE AN
ABANDONED, WRECKED, DISMANTLED, OR INOPERATIVE
VEHICLE OR PARTS THEREOF AS A PUBLIC NUISANCE

(Name and address of last registered and/or legal owner of record of vehicle -- notice should be given to both if different)

As last registered (and/or legal) owner of record of (description of vehicle - make, model, license, etc.), you are hereby notified that the undersigned pursuant to Hughson Municipal Code Chapter 10.56 has determined that said vehicle (or part or parts of a vehicle) exists as an abandoned, wrecked, dismantled, or inoperative vehicle at (describe location on public or private property) and constitutes a public nuisance pursuant to the provisions of said Chapter 10.56.

You are hereby notified to abate said nuisance by the removal of said vehicle (or said part or parts of a vehicle) within ten days from the date of mailing of this notice.

As registered (and/or legal) owner of record of said vehicle (or said part or parts of a vehicle), you are hereby notified that you may, within ten days after the mailing of this notice of intention, request a public hearing on the question of abatement and removal of the vehicle or part or parts thereof and if such a request is not received by the City Council within such ten-day period, the Chief or Police of the City of Hughson shall have the authority to abate and remove said vehicle (or said part or parts of a vehicle) without a hearing.

Notice Mailed _____ s/ _____
Chief of Police

(Ord. 84-13 §4, 1984: Ord. 78-11 §8(part), 1978)

10.56.140 Hearing--Generally. Upon request by the owner of the vehicle or owner of the land received by the city council within ten days after the mailing of the notices of intention to abate and remove, a public hearing shall be held by the city council on the question of abatement and removal of the vehicle or part or parts thereof as an abandoned, wrecked, dismantled, or inoperative vehicle, and the assessment of the administrative costs and the cost of removal of the vehicle or part or parts thereof against the property on which it is located. (Ord. 84-13 §5, 1984: Ord. 78-11 §9(part), 1978)

10.56.150 Hearing--Land owner statement. If the owner of the land submits a sworn written statement denying responsibility for the presence of the vehicle on his land within such ten-day period, said statement shall be construed as a request for a hearing which does not require his presence. Notice of the hearing shall be mailed, by registered or certified mail, at least ten days before the hearing to the owner of the land and to the owner of the vehicle, unless the vehicle is in such condition that identification numbers are not available to determine ownership. If such a request for hearing is not received within said ten days after mailing of the notice of intention to abate and remove, the city shall have the authority to abate and remove the vehicle or part or parts thereof as a public nuisance and to determine and assess the administrative costs and costs of removal against the owner of the land without holding a public hearing. (Ord. 78-11 §9(part), 1978)

10.56.160 Hearing--Procedure. All hearings under this chapter shall be held before the city council which shall hear all facts and testimony it deems pertinent. Said facts and testimony may include testimony on the condition of the vehicle or part or parts thereof and the circumstances concerning its location on the said private property or public property. The city council shall not be limited by the technical rules of evidence. The owner of the land may appear in person at the hearing or present a sworn written statement in time for consideration at the hearing, and deny responsibility for the presence of the vehicle on the land, with his reasons for such denial. (Ord. 78-11 §10(part), 1978)

10.56.170 Hearing--Determination. The city council may impose such conditions and take such other action as it deems appropriate under the circumstances to carry out the purposes of this chapter. It may delay the time for removal of the vehicle or part or parts thereof if, in its opinion, the circumstances justify it. At the conclusion of the

public hearing, the city council may find that a vehicle or part or parts thereof has been abandoned, wrecked, dismantled, or is inoperative on private or public property and order the same removed from the property as a public nuisance and disposed of as hereinafter provided and determine the administrative costs and the cost of removal to be charged against the owner of the land. The order requiring removal shall include a description of the vehicle or part or parts thereof and the correct identification number and license number of the vehicle if available at the site. (Ord. 78-11 §10(part), 1978)

10.56.180 Land owner liability. If it is determined at the hearing that the vehicle was placed on the land without the consent of the owner of the land and that he has not subsequently acquiesced to its presence, then the city council shall not assess costs of administration or removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect such costs from such owner of the land. (Ord. 78-11 §10(part), 1978)

10.56.190 Decision notification. If the owner of the land submits a sworn written statement denying responsibility for the presence of the vehicle on his land but does not appear, or if an interested party makes a written presentation to the city council but does not appear, he shall be notified in writing of the decision. (Ord. 78-11 §10(part), 1978)

10.56.200 Summary abatement. Upon the expiration of ten days after the mailing of the notices provided for in Section 10.56.110, in a case where a public hearing is not requested, upon the expiration of five days after adoption of the order declaring the vehicle or part or parts thereof to be a public nuisance following a public hearing where written notice of the council's decision is not required, or upon the expiration of five days after the date of mailing notice of such decision if required by Section 10.56.190, the vehicle or part or parts thereof may be disposed of by removal to a scrapyard or automobile dismantler's yard. After a vehicle has been removed it shall not be reconstructed or made operable, unless it is a vehicle which qualifies for either horseless carriage license plates or historical vehicle license plates pursuant to Section 5004 of the Vehicle Code in which case the vehicle may be reconstructed or made operable. (Ord. 78-11 §11, 1978)

10.56.210 Notice to Department of Motor Vehicles. Within five days after the date of removal of the vehicle or part or parts thereof, notice shall be given by the city to the Department of Motor Vehicles identifying the vehicle or

part or parts thereof removed. At the same time, there shall be transmitted to the Department of Motor Vehicles by the city any evidence of registration available, including registration certificates, certificates of title, and license plates. (Ord. 84-13 §6, 1984: Ord. 78-11 §12, 1978)

10.56.220 Billing. If the administrative costs and cost of removal are charges against the owner of a parcel of land pursuant to this chapter, the same shall be billed to him promptly upon removal of the vehicle, part, or parts. If such costs are not paid within thirty days after the date of mailing such bill, they shall be assessed against the parcel of land pursuant to Section 38773.5 of the Government Code and shall be transmitted to the tax collector for collection. Said assessment shall have the same priority as other city taxes. (Ord. 78-11 §13, 1978)

10.56.230 Low-value vehicles. Notwithstanding any other provisions in this chapter, whenever an inoperative vehicle is located on a parcel of land which is either zoned for agricultural use or is not improved with a residential structure containing one or more dwelling units, and it is inoperable due to the absence of a motor, transmission or wheels, and is incapable of being towed, and is valued at less than two hundred dollars by a person specified in California Vehicle Code Section 22855, and is determined by the city to be a public nuisance presenting an immediate threat to public health or safety, and the property owner has signed a release authorizing removal and waiving further interest in the vehicle or part, no ten-day notice of intention to abate need be issued prior to removal of the vehicle or part. Prior to final disposition under Section 22662 of the Vehicle Code of such a low-valued vehicle or part for which evidence of registration was recovered the city shall provide notice to the registered and legal owners of intent to dispose of the vehicle or part, and if the vehicle or part is not claimed and removed within twelve days after the notice is mailed, from a location specified in Section 22662 of the Vehicle Code, final disposition may proceed. (Ord. 84-13 §7, 1984)

Chapter 10.60INTERSTATE TRUCK TERMINAL DESIGNATION AND ACCESSSections:

- 10.60.010 Definitions.
- 10.60.020 Purpose.
- 10.60.030 Application.
- 10.60.040 Fees and costs.
- 10.60.050 Retrofitting.
- 10.60.060 Revocation of route.
- 10.60.070 Appeal process.
- 10.60.080 Constitutionality.

10.60.010 Definitions. Certain words and phrases are defined in this section to clarify their use in this chapter. If any word or phrase used in this chapter is not defined in this section, it shall have the meaning set forth in the California Vehicle Code; provided, however, that if any such word or phrase is not defined in the Vehicle Code, it shall have the meaning attributed to it in ordinary usage.

A. "Terminal" means any facility at which freight is consolidated to be shipped or where full load consignments may be loaded and off-loaded or at which the vehicles are regularly maintained, stored, or manufactured.

B. "Interstate truck" means a truck-tractor and semi-trailer or truck-tractor, semi-trailer and trailer with unlimited length as regulated by the California Vehicle Code.

C. "City manager" means the city manager of the city or his authorized representative.

D. "Cal-Trans" means the State of California Department of Transportation or its successor agency.

E. "City" means the city of Hughson.

F. "City council" means the city council of the city of Hughson. (Ord. 84-14 §1(part), 1984)

10.60.020 Purpose. The purpose of this chapter is to establish procedures for terminal designation and truck route designation to terminals for interstate trucks operating on the federally designated highway system and promote the general health, safety, and welfare of the public. (Ord. 84-14 §1(part), 1984)

10.60.030 Application. A. Any interested person requiring terminal access for interstate trucks from the federally designated highway system shall submit an application, as provided by the city, together with such information as may be required by the city manager and appropriate fees to the city.

B. Upon receipt of the application, the city manager shall cause an investigation to be made to ascertain whether or not the proposed terminal facility meets the requirements for an interstate truck terminal. Upon the city manager's approval of that designation, he or she shall then determine the capability of the route requested and alternate routes, whether requested or not. Determination of route capability shall include, without limitation, a review of adequate turning radii and lane widths of ramps, intersections, and highways, and general traffic conditions such as sight, distance, speed, and traffic volume for safe operation. No access off the federally designated highway system shall be approved without the approval of Cal-Trans.

C. Should the requested route pass through the city to a terminal located in another jurisdiction, the applicant shall comply with the jurisdiction's application process. Coordination of the approval of the route through the city shall be the responsibility of the entity which controls the terminal's land use. Cost for trailblazer signs shall be as provided in Section 10.60.040B. (Ord. 84-14 §1(part), 1984)

10.60.040 Fees and costs. A. The applicant shall pay a nonrefundable application fee, as established by the city council by resolution, sufficient to pay the cost of the review of the terminal designation and the review of the alternate routes.

B. Upon the approval of the terminal designation and route by the city and by Cal-Trans, the applicant shall deposit with the city sufficient funds, as estimated by the city manager, to pay for the purchase and installation of terminal trailblazer signs. Trailblazer signs shall be required at every decision point within the city along the route to the terminal. Upon the completion of the installation of the signs, the actual cost shall be computed and any difference between the actual and estimated cost shall be billed or refunded to the applicant, whichever the case may be. No terminal or route may be used until such signs are in place. Cost for trailblazer signs may be apportioned in accordance with the procedures set forth in Section 10.60-.050C. (Ord. 84-14 §1(part), 1984)

10.60.050 Retrofitting. A. If the city manager finds all feasible routes to a terminal unsatisfactory, the applicant may request retrofitting the deficiencies. All costs of engineering, construction, and inspection shall be the responsibility of the applicant. Except when the retrofitting of deficiencies is within the jurisdiction of Cal-Trans, the actual construction shall be done by the city or by a contractor acceptable to the city.

B. When the retrofitting work is to be done by the city, the applicant shall deposit the estimated cost of retrofitting with the city. Adjustments between the estimated

and actual costs shall be made after completion of the work and any difference between the actual and the estimated costs shall be billed or refunded to the applicant whichever the case may be. When the retrofitting work is done by the applicant through a contractor acceptable to the city, the applicant may file with the city manager, on a form satisfactory to the city manager, a statement detailing the actual costs of the retrofitting.

C. If at any time within five years from the date of completion of the retrofitting any other applicant seeks terminal approval which would use the route upon which the retrofitting was accomplished, that applicant's fees may include his, her, or its proportionate share of the retrofitting, as determined by the city manager. The proportionate share collected shall be disbursed by the city to the applicant who contributed to the cost of retrofitting under this subsection. Nothing herein shall require the payment of a proportionate share if the applicant doing the work failed to file the report with the city manager called for in subsection B of this section. (Ord. 84-14 §1(part), 1984)

10.60.060 Revocation of route. The city manager may revoke any approved terminal or route if the terminal or route becomes a safety hazard for any vehicular traffic. A safety hazard includes the inability of interstate trucks to negotiate the route or said trucks causing unsafe driving conditions for other vehicular traffic or pedestrians. (Ord. 84-14 §1(part), 1984)

10.60.070 Appeal process. A. If the city manager denies terminal designation or route feasibility, or revokes a previously approved terminal or route, the decision shall be final unless within ten calendar days after the decision the applicant/terminal owner, or any other person dissatisfied with the decision appeals the decision to the city council in writing. An appeal shall be made on a form prescribed by the city manager and shall be filed with the city clerk. The appeal shall state specifically wherein there was an error or abuse of discretion by the city manager or wherein his or her decision is not supported by the evidence in the record. Within five days of the filing of an appeal, the city manager shall transmit to the city clerk the terminal application, the sketches of the revoked route and all other data filed therewith, the report of the city manager, the findings of the city manager, and his or her decision on the application.

B. The city clerk shall make copies of the data provided by the city manager available to the applicant and to the appellant if the appellant is not the applicant, and shall give notice to any other interested person who

requested notice of the time when the appeal shall be heard by the city council.

C. If Cal-Trans and not the city manager denies or revokes terminal access from the federally designated highway system, no appeal may be made to the city council, but must be made to Cal-Trans as may be permitted by Cal-Trans. (Ord. 84-14 §1(part), 1984)

10.60.080 Constitutionality. If any section, subsection, sentence, clause, or phrase of this chapter is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this chapter, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases, is declared invalid. (Ord. 84-14 §1(part), 1984)

Chapter 10.64

ROLLERSKATES, SKATEBOARDS, COASTERS, AND SIMILAR DEVICES

Sections:

10.64.010 Use of rollerskates, skateboards, coasters, and similar devices restricted.

10.64.010 Use or rollerskates, skateboards, coasters, and similar devices restricted. It is unlawful for any person upon rollerskates or riding on or by means of a skateboard, coaster, or similar device to go upon any street in the city or upon the sidewalk in any business district as defined by Section 235 of the California Vehicle Code; provided, however, the city council may, by resolution, grant approval for the use of streets and sidewalks for organized skating events of community-wide interest and importance. In granting such approval, the city council may impose such conditions, restrictions, and requirements as it deems necessary or desirable to protect the public interest and promote the general welfare. (Ord. 87-13 §1, 1987)

Title 11

(RESERVED)

Title 12

STREETS, SIDEWALKS, AND PUBLIC PLACES

(RESERVED)

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13.04 Sewer Use

Chapter 13.04

SEWER USE

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ARTICLE I. GENERAL PROVISIONS

13.04.010 Citation. This chapter shall known and may be cited as the "sewer use ordinance" of the city. (Ord. 87-09 §1(part), 1987)

13.04.020 Purposes. The purposes of this chapter are to:

A. Provide for and regulate the disposal of sanitary sewage into the sanitary sewage system in such manner and to such extent as is reasonably necessary to maintain and increase the ability of the system to handle and dispose of sanitary sewage;

B. Provide for and regulate the disposal of industrial waste into the sanitary sewage system in such manner and to such extent as may be reasonably necessary to maintain and increase the ability of the system to handle and dispose of industrial waste without decreasing the ability of the system to handle and dispose of all sanitary sewage;

C. Improve opportunities to recycle and reclaim treated effluent and wastewater sludge;

D. Protect the physical structures of the sanitary sewer system and the efficient functioning of its component parts;

E. Protect the city and its personnel, and preserve and protect the public health, safety, and comfort;

F. Comply with all applicable and compatible state and federal laws, rules, regulations, and orders; and

G. Provide for the charging and collection of various charges reasonably necessary for the acquisition, construction, reconstruction, maintenance, and operation of the sanitary sewer system. (Ord. 87-09 §1(part), 1987)

13.04.030 All users to comply. All users of the sanitary sewer system within and without the boundaries of the city shall comply with the provisions of this chapter. (Ord. 87-09 §1(part), 1987)

13.04.040 City manager to enforce. The city manager and his designated representatives shall enforce the provisions of this chapter and for such purposes shall have the powers of peace officers. Such powers shall not limit or otherwise affect the powers or duties of any other city official. (Ord. 87-09 §1(part), 1987)

13.04.050 Rules and regulations. The city manager may establish such rules and regulations as are necessary for the administration and enforcement of the provisions of this chapter. The city manager may also delegate and appoint members of the city administration to act on his behalf. (Ord. 87-09 §1(part), 1987)

13.04.060 City nonliability. The provisions of this chapter shall not be construed to relieve or lessen the responsibility of any person for damages to life or property in the discharge of industrial waste, nor shall the city, or any agent thereof, be held to have assumed any liability by reason of performance of duties pursuant to this chapter. (Ord. 87-09 §1(part), 1987)

ARTICLE II. DEFINITIONS

13.04.100 Definitions. Certain words and phrases are defined in this section to clarify their use in this chapter. Where a definition is not given, or where a question of interpretation arises, the definition that shall control is the normal meaning of the word within the context of its use.

1. "Act" means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 United States Code, Section 1251, et seq.

2. "Approval authority" means the State Water Resources Control Board acting through the California Regional Water Quality Control Board for the Central Valley Region.

3. "Biochemical oxygen demand" or "BOD" means the quantity of oxygen expressed in parts per million by weight utilized in the biochemical oxidation of organic matter under standard laboratory conditions for five days at a temperature of twenty degrees Celsius as described in "Standard Methods."

4. "Building" means a structure built, erected, and framed of component structural parts designed for the housing, shelter, enclosure, or support of persons, animals, or property of any kind.

5. "Building drain" means that part of the lowest piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of a building and conveys it to the building sewer beginning two feet outside the building wall.

6. "Building permit" means a permit issued by the building official of the city pursuant to Title 15 of this code.

7. "Building sewer" means that part of the horizontal piping of a drainage system which extends from the end of the building drain to the public sewer and which receives the discharge of the building drain and conveys it to the public sewer.

8. "CFR" means the Code of Federal Regulations.

9. "City manager" means and includes the city manager of the city and his authorized representatives.

10. "Cleanout" means the cast iron or approved plastic riser fitted with an approved cleanout plug installed at the point where the building sewer connects to the public sewer.

11. "Domestic waste" means sanitary sewage.

12. "Drainage system" means and includes all the piping within public or private premises which conveys sewage or other liquid wastes to the public sewer, but does not include the public sewer.

13. "Effluent" means the liquid outflow of any facilities designed to treat, convey, or retain wastewater.

14. "Environmental Protection Agency" or "EPA" means the United States Environmental Protection Agency. Where appropriate the term may also be used to designate the administrator or other duly authorized official of that agency.

15. "Garbage" means solid wastes from the preparation, cooking, and dispensing of foods, and from the handling, storage, and sale of produce.

16. "Grease" means grease, oil, fat, or other ether-soluble matter, and includes each of the following two types:

a. Dispersed grease, which means grease which is not floatable grease;

b. Floatable grease, which means grease which floats on the surface of quiescent sewage water or other liquid or which floats upon dilution of the liquid with water.

17. "Industrial user" means:

a. Any nongovernmental, nonresidential user of the sanitary sewer system which discharges more than the equivalent of twenty-five thousand gallons per day of sanitary sewage and which is identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented under one of the following divisions:

i. Division A, agriculture, forestry, and fishing;

ii. Division B, mining;

iii. Division D, manufacturing;

iv. Division E, transportation, communications, electric, gas, and sanitary services;

v. Division I, services.

A user in the divisions listed may be excluded if it is determined that the user will introduce primarily segregated sanitary sewage from sanitary conveniences.

b. Any nongovernmental user of the sanitary sewer system which discharges wastewater into the system which contains toxic pollutants or poisonous solids, liquids, or gases in sufficient quantity either singly or by interaction with other wastes, to contaminate the sludge of the system, or to injure or interfere with any sewage treatment process, or which constitutes a hazard to humans or animals, creates a public nuisance, or creates any hazard in or has an adverse effect on the waters receiving any discharge from the system;

c. Any source of indirect discharge into the sanitary sewer system which does not constitute a "discharge of pollutants" under regulations issued pursuant to section 402 of the Act.

18. "Industrial waste" means the wastes from producing, manufacturing, and processing operations of every kind and nature.

19. "Land development approval" means any rezoning, zoning, or rezoning, or any discretionary permit, which for purposes of this chapter shall be limited to site development permits, exceptions, conditional use permits, and approvals of tentative subdivision maps.

20. "National Pollution Discharge Elimination System Permit" or "NPDES permit" means a permit issued to the city for the sanitary sewer system by the approval authority pursuant to the Act.

21. "Owner" means the owner of any premises.

22. "Permit" means either a sewer connection permit or a wastewater discharge permit.

23. "Permittee" means the person, firm, or organization to whom a sewer connection permit or a wastewater discharge permit or both have been issued.

24. "Person" means any individual, partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity, their legal representatives, agents, or assigns.

25. "pH" means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

26. "Premises" means a separate lot or parcel of land, improved or unimproved, which is connected directly or indirectly to the sanitary sewer system or any portion thereof, or from which any sewage is discharged or conducted, directly or indirectly, into the system.

27. "Pretreatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the sanitary

sewer system. The reduction or alteration can be obtained by physical, chemical, or biological processes, process changes, or by other means, except as hereinafter prohibited. "Pretreatment," except where expressly authorized to do so by an express standard in this chapter, shall never include an increase in the use of process water, other non-waste waters, or in any other way attempting to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the provisions of this chapter or any order issued pursuant to the authority herein contained.

28. "Private sewage disposal system" means a septic tank with the effluent discharging into a subsurface disposal field, into one or more seepage pits, or into a combination of subsurface disposal field and seepage pit or of such other facilities as may be permitted under the Uniform Plumbing Code.

29. "Private sewer" means a building sewer which receives the discharge from more than one building drain and conveys it to a public sewer.

30. "Public sewer" means a sewer owned and operated by the city tributary to the wastewater treatment plant, and dedicated to public use.

31. "Radioactive material" means any material containing chemical elements which spontaneously change their atomic structure with the emission of atomic energy.

32. "Sanitary sewage" means water-carried wastes from residences, business buildings, institutions, and industrial establishments, excluding industrial waste and also excluding ground, surface, and storm waters.

33. "Sanitary sewer system" means all sewers, treatment plants, and other facilities owned or operated by the city for carrying, collecting, pumping, treating, and disposing of sanitary sewage and industrial waste.

34. "Sewage" means and includes sanitary sewage or industrial waste or both.

35. "Sewer" means a pipe or conduit for carrying sewage.

36. "Sewer connection charge" means a fee or charge levied on users of the sanitary sewer system at the time of their connection to the system for the privilege of connecting to the system.

37. "Sewer service charge" means a fee or charge levied on users of the sanitary sewer system for the user's proportionate share of the cost of operation and maintenance (including replacement) of the system.

38. "Standard methods" means the examination and analytical procedures for industrial waste set forth in the most recent edition of "Standard Methods for the Examination of Water, Sewage, and Industrial Wastes," published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control

Federation. All analytical measurements made pursuant to this chapter shall be in conformity with "Standard Methods" or EPA-recommended procedures and shall be performed by a laboratory certified by the California Department of Health Services.

39. "Storm drainage system" means all conduits, pumping plants, collection facilities and other appurtenances owned and operated by the city for carrying, collecting, pumping and disposing of storm water, surface water, ground water, roof runoff or other unpolluted water.

40. "Stormwater" means water to which no pollutant has been added, either intentionally or accidentally, other than street wash, surface water, rainwater runoff, or drainage, but excludes sewage. One pass cooling water may be considered as storm water.

41. "Suspended solids" means solids that either float on the surface of, or are in suspension in, water, sewage, or other liquids and which are removable by laboratory filtering.

42. "System" means the sanitary sewer system.

43. "Unpolluted water" means water to which no pollutant has been added, either intentionally or accidentally, which would render such water unacceptable to the city for disposal to storm or natural drainages or directly to surface waters.

44. "User" means any person who discharges or causes, allows, or permits the discharge of wastewater into the sanitary sewer system.

45. "Waste" means and includes sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation of whatever nature, including such waste placed within containers of whatever nature prior to, and for purposes of disposal.

46. "Wastewater" means the liquid portion of sanitary sewage or industrial waste, whether treated or untreated, which is contributed into or permitted to enter the sanitary sewer system.

47. "Wastewater constituents and characteristics" means the individual chemical, physical, bacteriological, radiological, and other parameters which serve to define, classify, or measure the content, quality, quantity, and strength of wastewater.

48. "Wastewater discharge permit" means the permit required by Section 13.04.520 of this chapter.

49. "Wastewater treatment plant" means any arrangement of devices and structures for treating sanitary sewage and industrial waste. (Ord. 87-09 §1(part), 1987)

ARTICLE III. SEWER USE REGULATIONS

13.04.200 Limitations on point of discharge. No person shall discharge any substances directly into a manhole or other opening in a public sewer other than through a city-approved sewer connection. (Ord. 87-09 §1(part), 1987)

13.04.210 Discharge into storm drain prohibited. It is unlawful to discharge any sanitary sewage, industrial waste, or other polluted waters into any storm drain, natural outlet, or channel without a valid NPDES permit. (Ord. 87-09 §1(part), 1987)

13.04.220 Public nuisance. The discharge of unscreened garbage, fruit, vegetable, animal, or other solid industrial waste into any part of the sanitary sewer system in violation of any provision of this chapter is declared to be a public nuisance. (Ord. 87-09 §1(part), 1987)

13.04.230 Protection from accidental discharge. Each user shall provide protection from accidental discharge of prohibited materials or other wastes regulated by this chapter into either the storm drainage or sanitary sewer systems. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the user's expense. (Ord. 87-09 §1(part), 1987)

13.04.240 Accidental discharge--Notice of discharge. All industrial users shall provide immediate notice to the city manager of any accidental discharge into the sanitary sewer system of wastes of reportable quantities as determined in 40 CFR 117 so that the city may take countermeasures to minimize damage to the system, the treatment process, and the receiving waters. Immediate notice shall be followed, within fifteen days of the date of occurrence, by a detailed written statement describing the causes of the accidental discharge and the measures being taken to prevent future occurrences. Immediate notice shall not relieve industrial users of liability for any expense, loss, or damage to the sanitary sewer system, the treatment process, or the receiving waters, or for any fines imposed on the city on account thereof under applicable provisions of state or federal law. (Ord. 87-09 §1(part), 1987)

13.04.250 Storm and other waters. No person shall discharge, or cause, allow, or permit to be discharged into the sanitary sewer system or any part thereof, any stormwater, surface water, groundwater, roof runoff, or subsurface drainage, or any water acceptable into the storm drainage system according to standards maintained by the state. (Ord. 87-09 §1(part), 1987)

13.04.260 Cooling and unpolluted water. No person shall discharge, or cause, allow, or permit to be discharged into the sanitary sewer system or any part thereof, any unpolluted cooling water or unpolluted industrial process water. (Ord. 87-09 §1(part), 1987)

13.04.270 Obstructing or injurious substances. No person shall discharge, or cause, allow, or permit to be discharged, thrown, or deposited into the sanitary sewer system or any part thereof, or into any plumbing fixture or private sewer or drain connected either directly or indirectly to the sanitary sewer system, any substance of any kind whatsoever tending to obstruct or injure the sanitary sewer system, or to cause a nuisance or hazard, or which will in any manner interfere with the proper operation or maintenance of the sanitary sewer system, or which will cause damage or imbalance to any portion of the treatment sludge disposal process. (Ord. 87-09 §1(part), 1987)

13.04.280 Flammable or explosive substances or the like. No person shall discharge, or cause, allow, or permit to be discharged into the sanitary sewer system or any part thereof, any gasoline, benzene, naphtha, fuel oil, or any flammable or explosive liquid, solid, vapor, gas, or thing. (Ord. 87-09 §1(part), 1987)

13.04.290 Hot substances. No person shall discharge, or cause, allow, or permit to be discharged into the sanitary sewer system or any part thereof, any liquid, solid, vapor, gas, or thing having or developing a temperature of one hundred fifty degrees Fahrenheit or more, or which may cause the temperature of wastewater at the wastewater treatment plant to exceed ninety degrees Fahrenheit. (Ord. 87-09 §1(part), 1987)

13.04.300 Grease, oils, fats. No person shall discharge, or cause, allow, or permit to be discharged into the sanitary sewer system or any part thereof, any liquid or other waste containing floatable and/or dispersed grease, oil, or fat of animal, vegetable, or mineral origin in excess of one hundred fifty parts per million by weight. (Ord. 87-09 §1(part), 1987)

13.04.310 Solid or viscous matter. No person shall discharge, deposit, or throw, or cause to be discharged, deposited, or thrown into the sanitary sewer system or any part thereof, any ashes, cinders, dead animals, offal, pulp, paper, sand, cement, mud, straw, shavings, metal, glass, rags, feathers, tar, asphalt, resins, plastics, wood, whole blood, paunch manure, bones, hair, fleshings, entrails, paper dishes, paper cups, milk containers, or other similar paper products, either whole or ground, or any heavy, solid

or viscous substance capable of causing obstruction to the flow in the sanitary sewer system or any part thereof, or which would interfere with the proper operation of the wastewater treatment plant or the treatment of sanitary sewage or industrial waste. (Ord. 87-09 §1(part), 1987)

13.04.320 Corrosive matter. A. No person shall discharge, or cause, allow, or permit to be discharged into the sanitary sewer system or any part thereof, any liquid, solid, vapor, gas, or thing having a pH lower than 5.0 or more than 10.5 or having any other corrosive property capable of causing damage or hazard to the sanitary sewer system or any part thereof, or to any personnel operating, maintaining, repairing, or constructing the system, or working in or about the system.

B. No person shall discharge or cause, allow, or permit to be discharged into the sanitary sewer system or any part thereof, any liquid, solid, vapor, gas, or thing which shall cause the pH of the total wastewater flow at the wastewater treatment plant to be less than 6.5 or more than 8.0. (Ord. 87-09 §1(part), 1987)

13.04.330 Interfering substances. No person shall discharge, or cause, allow, or permit to be discharged into the sanitary sewer system or any part thereof, any toxic or poisonous substances or any other pollutant, including BOD, in sufficient quantity to injure or cause an interference with the sewage treatment process, or in sufficient quantity to constitute a hazard to humans or animals, or in sufficient quantity to create a hazard for humans, animals, or fish in any waters receiving effluent from the system, or which may create a hazard in the use or disposal of sewage sludge. No person shall discharge, or cause, allow, or permit to be discharged into the sanitary sewer system or any part thereof, any industrial waste containing any of the following toxic substances exceeding the concentration set forth in this section:

<u>Toxic Substance</u>	<u>Maximum Allowable Concentration</u>
Aldehyde	5.0 mg/l
Antimony	5.0 mg/l
Arsenic	1.0 mg/l
Barium	5.0 mg/l
Beryllium	1.0 mg/l
Boron	1.0 mg/l
Cadmium	0.7 mg/l
Chlorinated hydrocarbons, including, but not limited to, pesticides, herbicides, algicides	trace
Chromium, total	1.0 mg/l

<u>Toxic Substance</u>	<u>Maximum Allowable Concentration</u>
Copper	2.7 mg/l
Cyanides	1.0 mg/l
Fluorides	10.0 mg/l
Formaldehydes	5.0 mg/l
Lead	0.4 mg/l
Manganese	0.5 mg/l
Mercury	0.010 mg/l
Methyl ethyl ketone and other water insoluble ketones	5.0 mg/l
Nickel	2.6 mg/l
Phenol and derivatives	30.0 mg/l
Selenium	2.0 mg/l
Silver	0.7 mg/l
Sulfides	1.0 mg/l
Toluene	5.0 mg/l
Xylene	5.0 mg/l
Zinc	2.6 mg/l

In no event shall any person discharge, or cause, allow, or permit to be discharged into the sanitary sewer system or any part thereof, any industrial waste having a ninety-six-hour median tolerance limits (TLM), as determined in accordance with "Standard Methods," of less than fifty percent. (Ord. 87-09 §1(part), 1987)

13.04.340 Electroplating industry--Interfering substances. The following discharge requirements shall apply to the electroplating point source category, as defined by the "Effluent Guidelines and Standards; Electroplating Point Source Category" of the EPA, found at 40 CFR 413, and these requirements supersede requirements for pollutants as set forth in Section 13.04.330 of this chapter as follows:

<u>Pollutant</u>	<u>Maximum Allowable Concentration</u> (in milligrams per liter)
Cadmium (Cd)	0.7
Chromium (Cr)	1.0
Copper (Cu)	2.7
Cyanide, total (CN-T)	1.0
Lead (Pb)	0.4
Nickel (Ni)	2.6
Silver (Ag)	0.7
Zinc (Zn)	2.6
Total metals (copper + nickel + zinc + chromium)	6.8

In no event shall any person discharge, or cause, allow, or permit to be discharged into the sanitary sewer system or any part thereof, any industrial waste having a ninety-six-hour median tolerance limit (TLM), as determined in accordance with "Standard Methods," of less than fifty percent. (Ord. 87-09 §1(part), 1987)

13.04.350 Prohibition on use of diluting waters. The use of diluting waters to meet the standards for discharge of wastes is prohibited. (Ord. 87-09 §1(part), 1987)

13.04.360 Suspended solids--Dissolved matter. No person shall discharge, or cause, allow, or permit to be discharged into the sanitary sewer system or any part thereof, any liquid containing suspended solids or dissolved matter of such character and quantity that unusual attention or expense is required to handle, process, or treat such matter at the wastewater treatment plant. (Ord. 87-09 §1(part), 1987)

13.04.370 Noxious or malodorous matter. No person shall discharge, or cause, allow, or permit to be discharged into the sanitary sewer system or any part thereof, any solid, liquid, vapor, gas, or thing which is so malodorous or noxious that its discharge into the system would cause a public nuisance or hazard. (Ord. 87-09 §1(part), 1987)

13.04.380 Radioactive matter. No person shall discharge, or cause, allow, or permit to be discharged into the sanitary sewer system or any part thereof, any radioactive matter. (Ord. 87-09 §1(part), 1987)

13.04.390 Colored matter. No person shall discharge, or cause, allow, or permit to be discharged into the sanitary sewer system or any part thereof, any wastewater with objectionable color not removed in the treatment process such as, but not limited to, dye wastes and vegetable tanning solutions. (Ord. 87-09 §1(part), 1987)

13.04.400 Garbage. A. No person shall discharge, deposit, or throw, or cause, allow, or permit to be discharged, deposited, or thrown into the sanitary sewer system or any part thereof, any garbage, or any fruit, vegetable, animal, or other solid material from any food processing plant or other industrial plant or retail grocery store, irrespective of whether or not the same has first passed through a mechanical grinder, and no person shall install, operate, use, or maintain upon the premises of any food processing plant or any other industrial plant or retail grocery store, any mechanical grinder or waste grinder that is connected directly or indirectly to the system.

B. No person shall discharge, deposit, or throw, or

cause, allow, or permit to be discharged, deposited, or thrown into the sanitary sewer system or any part thereof, any garbage, or any fruit, vegetable, animal or other solid kitchen waste material resulting from the preparation of any food or drinks, in any dwelling, restaurant, or eating establishment unless the same shall have first been passed through a mechanical garbage or waste grinder in conformance with the provisions of the plumbing and electrical code of the city. (Ord. 87-09 §1(part), 1987)

13.04.410 Septic tank sludge or effluent. No person shall discharge, or cause, allow, or permit to be discharged into the sanitary sewer system or any part thereof, any septic tank sludge or effluent. (Ord. 87-09 §1(part), 1987)

13.04.420 Substances causing violation of state or federal conditions or standards. No person shall discharge, or cause, allow, or permit to be discharged into the sanitary sewer system or any part thereof, any substance which will cause the sanitary sewer system to violate any state or federal disposal system conditions or receiving water quality standards. (Ord. 87-09 §1(part), 1987)

13.04.430 Grease, oil and sand traps. A. Any type of business or establishment where grease, oil, sand, or other objectionable materials may be discharged into a public or private sewer shall have a grease trap. All existing businesses or establishments requiring grease traps shall install a trap if one is not already in place within one hundred twenty days from the effective date of this chapter.

B. All grease traps shall be of a size and design approved by the city manager prior to installation and shall be constructed in accordance with such design.

C. All grease traps shall be installed and connected so that they are at all times easily accessible for inspection, cleaning, and removal of intercepted grease, oil, sand, or other objectionable material.

D. All grease traps shall be situated on the user's premises, but the city may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

E. Any waste discharge from fixtures and equipment in the above-mentioned types of businesses or establishments, which may contain grease, oil, sand, or other objectionable materials including, but not limited to, scullery sinks, pot and pan sinks, dishwashers, food waste disposals, soup kettles, and floor drains located in areas where such objectionable materials may exist, may be drained into the sanitary sewer system through the grease trap when approved by the city manager; provided, however, that toilets, urinals,

wash basins, and other fixtures containing fecal material shall not flow through the grease trap.

F. All grease traps shall be maintained in efficient operating condition by periodic removal of the accumulated grease, oil, sand, or other objectionable material. The use of chemicals to dissolve grease is specifically prohibited. No such accumulated grease, oil, sand, or other objectionable material shall be introduced into any drainage piping or public or private sewer.

G. All grease traps shall be of substantial construction, made of impervious materials, capable of withstanding abrupt and extreme changes in temperature, and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight.

H. All abandoned grease traps shall be emptied and filled as required for abandoned septic tanks (Section 1119 of the Uniform Plumbing Code).

I. All grease traps shall be installed in such a manner that drainage from areas outside the area intended to be served may not enter. (Ord. 87-09 §1(part), 1987)

13.04.440 Connection to sanitary sewer system required. A. All premises within the city on which sewage is produced shall be connected to the sanitary sewer system except as provided in subsection B of this section.

B. When a public sewer is not available for a premises to connect to the sanitary sewer system, the premises shall be connected to an approved private sewage disposal system, provided that at such time as a public sewer becomes available to such premises the premises shall immediately connect to the sanitary sewer system. A public sewer shall be considered as not being available to a premises when the closest public sewer or any building or any exterior drainage facility connected thereto is located more than two hundred feet from any existing or proposed building or exterior drainage facility on the premises.

C. There shall be a separate connection to the sanitary sewer system for each premises served except when otherwise authorized by the city manager.

D. It is unlawful for any person to connect any premises to the sanitary sewer system except as provided in this chapter. (Ord. 87-09 §1(part), 1987)

13.04.450 Responsibility for building sewers and cleanouts. The owner of any premises shall be responsible at his own expense for the installation, maintenance, repair, and cleaning out of the building sewer and cleanout, including the connection to the public sewer, for the premises owned by him. Each owner shall install building sewers and cleanouts in accordance with the standards prescribed in Title 15 of this code. Each owner shall be liable for any damages which may result from his failure to properly

install, maintain, repair, or cleanout the building sewer or cleanout for the premises owned by him. (Ord. 87-09 §1(part), 1987)

ARTICLE IV. ADMINISTRATION

13.04.500 Sewer connection permits. A. Any person proposing to connect any premises to the sanitary sewer system shall obtain a sewer connection permit before connecting the premises to the system.

B. Any person seeking a sewer connection permit shall complete and file an application with the city on the form provided, accompanied by plans and specifications for the connection, the applicable sewer connection charge, and such application fee as may be established by the city council from time to time by resolution.

C. Sewer connection permits shall be issued by the city manager upon a determination that the application complies with the provisions of this chapter and other applicable provisions of this code. Every sewer connection permit issued by the city manager pursuant to this section shall expire by limitation and become null and void if actual construction on the building for which sewer service is applied for is not commenced within one hundred eighty days from the date of issuance of the permit, or if construction on the building for which sewer service is applied for is suspended or abandoned at any time after actual construction is commenced for a period of one hundred eighty days. In order to renew action on a sewer connection permit after expiration, a new application, including all charges and fees, shall be required. Any permittee holding an unexpired sewer connection permit may apply for an extension of the permit when he is unable to commence actual construction within the time required by this section for good and satisfactory reasons. The city manager may extend the time for action by the permittee for a period not exceeding one hundred eighty days upon written request by the permittee showing that circumstances beyond his control have prevented action from being taken. No sewer connection permit shall be extended more than once. (Ord. 87-09 §1(part), 1987)

13.04.510 Wastewater discharge permits. A. All industrial users proposing to connect to or to discharge into the sanitary sewer system shall obtain a wastewater discharge permit before connecting to or discharging into the system. All existing industrial users connected to or discharging into the sanitary sewer system shall obtain a wastewater discharge permit within ninety days of the effective date of the ordinance codified in this chapter.

B. Any industrial user seeking a wastewater discharge permit shall complete and file an application with the city in the form provided, accompanied by such application fee as

may be established by the city council from time to time by resolution. Proposed new industrial users shall apply for a wastewater discharge permit not less than ninety days prior to actual connection to the sanitary sewer system.

C. Wastewater discharge permits shall be issued by the city manager for a specified time period, not to exceed two years. A wastewater discharge permit may be issued for a period less than two years and may be stated to expire on a specific date. A permittee shall apply for the reissuance of a wastewater discharge permit a minimum of sixty days prior to the expiration of the existing permit. The terms and conditions of a wastewater discharge permit may be subject to modification by the city during the term of the permit as limitations or requirements are identified or other just cause exists. A permittee shall be informed of any proposed changes in his wastewater discharge permit at least thirty days prior to the effective date of change. Any changes to, or new conditions on, a wastewater discharge permit shall include a reasonable time schedule for compliance. If a permittee wishes to change the quality or quantity of his discharge, he must apply for a new wastewater discharge permit.

D. Wastewater discharge permits are issued to specific industrial users for specific operations. A wastewater discharge permit shall not be reassigned, transferred, or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the city manager. Any succeeding owner or user shall also comply with the terms and conditions of the existing wastewater discharge permit until a new permit is issued.

E. Wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other regulations, fees, charges, and discharge limitations, established by the city. Wastewater discharge permits shall also be subject to such other terms and conditions as are necessary to effectuate the purposes of this chapter. Such other terms and conditions may include, but shall not be limited to, mandatory pretreatment of waters and wastes, restrictions on peak flow discharges, designation or relocation of point of discharge, prohibition of certain types of discharge, restrictions on hours of discharge, and payment of additional charges to defray increased costs created by a particular type of discharge. The terms and conditions of wastewater discharge permits shall be uniformly enforced by the city manager in accordance with the provisions of this chapter and applicable state and federal laws. Wastewater discharge permits may contain timetables for compliance approved by the city manager. (Ord. 87-09 §1(part), 1987)

13.04.520 Pretreatment. Whenever deemed necessary by the city manager, users shall provide such pretreatment or

take such other measures as shall be required to reduce objectionable characteristics, contents, or rate of discharge of waters or wastes being deposited into the sanitary sewer system so that the same may be received therein without any damage to the system or any undue interference with its operation and without any hazard of any kind to humans or animals. Facilities required to pretreat wastes and wastewater to a level acceptable to the city shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the city manager for review and approval before construction of the facility. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the city under the provisions of this chapter. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the city manager prior to the user's initiation of the changes. The quality of the discharge required by this chapter shall be maintained at all times. Standby facilities may be required to attain this quality. All records relating to compliance with pretreatment standards shall be made available to officials of the EPA upon request. (Ord. 87-09 §1(part), 1987)

13.04.530 Monitoring. The city manager may require any industrial user to construct, at the industrial user's expense and at an approved location, monitoring facilities to allow inspection, sampling, and flow measurement of the industrial user's building sewer or internal drainage systems. The monitoring facilities, sampling, and measurement equipment, and access thereto shall be maintained at all times in a safe and proper operating condition at the industrial user's expense. Any monitoring facilities required shall be specified in the industrial user's wastewater discharge permit. (Ord. 87-09 §1(part), 1987)

13.04.540 Discharge reports. The city manager may require any person discharging wastewater into the sanitary sewer system to file periodic discharge reports. The discharge report may include, but need not be limited to, nature of process, volume, rates of flow, mass emission rate, hours of operation, number of employees, or other information relating to the generation of waste, including the wastewater constituents and characteristics of the wastewater discharges. Such reports may also include the chemical constituents and quantity of chemicals stored on-site, even though they may not normally be discharged. In addition to discharge reports, the city manager may require information in the form of wastewater discharge permit applications and self-monitoring reports. (Ord. 87-09 §1(part), 1987)

13.04.550 Inspection. The city manager and other duly authorized employees and agents of the city bearing credentials and identification shall be permitted to enter upon any premises at all reasonable times for the purposes of:

A. Determining the size, depth, location, and condition of any sewer or storm drain connection;

B. Determining the location of discharge connections of roof and surface drains and plumbing fixtures;

C. Inspecting, observing, measuring, sampling, and testing the quality, consistency, and characteristics of sewage being discharged into any public sewer or natural outlet;

D. Inspecting and copying any records relating to quantity and quality of wastewater discharges, including, but not limited to:

1. Water usage and effluent discharged,
2. Chemical usage, and
3. hazardous waste records; and

E. Ascertaining any other matter related to the administration or enforcement of the provisions of this chapter.

The city shall have the right to set up on any premises such devices as are necessary to conduct inspection, sampling, compliance monitoring, and/or metering operations. (Ord. 87-09 §1(part), 1987)

ARTICLE V. MONITORING SEWAGE TREATMENT DEMANDS OF LAND DEVELOPMENT AND SUSPENSION OF BUILDING PERMITS UNDER CERTAIN CONDITIONS

13.04.600 Intent and purpose. It is the intent and purpose of this article to provide for the suspension of building permits and further land development within the city when the volume or strength of sewage generated by such development will cause the loadings at the wastewater treatment plant to meet or exceed the plant's operational capacity. (Ord. 87-09 §1(part), 1987)

13.04.610 Conditional approvals. After the effective date of the ordinance codified in this chapter, all land development approvals and applications for such approvals in the city shall provide notice to the applicant for or recipient of such approval that no vested right to a building permit shall accrue as the result of the granting of such approval when and if the city manager makes a determination that the cumulative sewage treatment demand on the wastewater treatment plant represented by approved land uses within the city will cause the total sewage treatment demand to meet or exceed the plant's capacity to treat such sewage adequately and within the discharge standards imposed on the city by the approval authority. Conditions designed to reduce the sewage associated with any land use approval may be imposed by the approval authority. (Ord. 87-09 §1(part), 1987)

13.04.620 Standard condition. All land development approvals and applications therefor shall be accompanied by the following language:

The land development approval which is the subject of File No. _____ is subject to the operation of Part 5 of Chapter 13.04 of Title 13 of the Hughson Municipal Code. The applicant for or recipient of such land use approval hereby acknowledges receipt of notice that the issuance of a building permit to implement such land development approval may be suspended, conditioned, or denied where the city manager has determined that such action is necessary to remain within the operational capacity of the sanitary sewer system or to meet the discharge standards of the system imposed by the California Regional Water Quality Control Board for the Central Valley Region.

(Ord. 87-09 §1(part), 1987)

13.04.630 Growth management system. The city manager may suspend, condition, or deny any or all building permits as follows:

A. The city manager shall develop land use/effluent coefficients for calculating the sewage effluent of general plan uses. The land use/effluent coefficient for each general plan use shall be the city manager's best estimate of the volume of sewage which will be generated by that use at the time of occupancy. Such coefficient may be revised by the city manager from time to time and shall be assigned in the city manager's discretion. The decision of the city manager with respect to land use/effluent coefficients to be assigned to specific general plan uses shall be final. For purposes of this part, and using such land use/effluent coefficients or an estimate based on an actual land use represented by a specific proposal, the city manager shall assign to each application for a land development approval or a building permit an estimate of the sewage effluent which will be generated by such application. The city manager shall also assign an estimated time of occupancy for the land use contemplated by such application for a land development approval or building permit.

B. Calculations of estimated effluent and date of occupancy shall be updated by the city manager from time to time as more reliable data becomes available.

C. Whenever the sewage treatment demand represented by approved building permits reaches the operational capacity of the wastewater treatment plant, the city manager shall direct the building official of the city to suspend the issuance of building permits except as hereinafter provided.

D. Such suspension shall remain in effect until the city manager has determined that additional treatment

capacity is available by virtue of either recalculated data which is determined to be more reliable than previous data or the completion of additional capital facilities at the wastewater treatment plant which adds treatment capacity to the plant.

E. During the period of suspension, the building official shall continue to receive applications for building permits, which applications shall be logged in chronological order.

F. When additional capacity is determined to be available as hereinabove specified, the city manager shall direct the building official to proceed to issue building permits until the sewage estimated to be generated by such building permits reaches the operational capacity of the wastewater treatment plant. The building official shall proceed to approve building permits in chronological fashion, approving the oldest applications first, unless the city council adopts another method of assigning priority to the issuance of building permits after suspension.

G. Any suspension of building permits pursuant to this part shall not apply to any building permit for the replacement, remodeling, or renovation of existing structures (or structures existing within six months of the application for a building permit), where the estimated sewage effluent for such proposed land use will not increase beyond the prior use of the land on which the construction represented by such building permit is proposed to be established. No replacement, remodeling, or renovation shall be approved pursuant to this exemption where the land use represented by such building permit will have the effect of discharging sewage in excess of the sewage generated by the number of living units or living unit equivalents existing on the property immediately prior to such replacement, remodeling, or renovation, or within six months of the date of application for such building permit. (Ord. 87-09 §1(part), 1987)

ARTICLE VI. CONNECTION AND SERVICE CHARGES

13.04.700 Authority for charges. The charges established in this article are authorized by Article 4 (commencing with section 5470) of Chapter 6 of Part 3 of Division 5 of the California Health and Safety Code. The amounts fixed by the city council from time to time for such charges shall comply with the provisions of Part 35 of 40 CFR and shall be based on the proportional contribution of each user class to the total sanitary sewer system loading. (Ord. 87-09 §1(part), 1987)

13.04.710 Purpose of charges. The purpose of the charges established in this part is to derive revenue which shall be used only for the acquisition, construction, reconstruction, maintenance, and operation of the sanitary sewer

system, to repay principal and interest on any bonds heretofore or hereafter issued for the construction or reconstruction of the system, and to repay any federal or state loans or advances heretofore or hereafter made to the city for the construction or reconstruction of the system; provided, however, no such revenues or moneys shall be used for the acquisition or construction of new local street sewers or laterals as distinguished from main trunk, interceptor, and outfall sewers. (Ord. 87-09 §1(part), 1987)

13.04.720 Classification of users. All users shall be classified by assigning each one to a user class on the basis of the principal activity conducted on the user's premises and the typical wastewater constituents and characteristics for that type of user. The city council shall establish the user classes for the city from time to time by ordinance adopted by a two-thirds vote of the members of the council. (Ord. 87-09 §1(part), 1987)

13.04.730 Sewer connection charges. All users shall pay a sewer connection charge according to their user class at the time they make application for connection to the sanitary sewer system. The amount of the sewer connection charge for each user class shall be fixed by the city council from time to time by ordinance adopted by a two-thirds vote of the members of the council. (Ord. 87-09 §1(part), 1987)

13.04.740 Sewer service charges. All users shall pay a sewer service charge according to their user class. The amount of the sewer service charge for each user class shall be fixed by the city council from time to time by ordinance adopted by a two-thirds vote of the members of the council. (Ord. 87-09 §1(part), 1987)

13.04.750 Method of billing for sewer service charges. All users shall be billed for sewer service bimonthly. Each owner, if different from the user, shall receive a duplicate copy of each bill. Sewer service charges shall be collected with the rates, tolls, and charges for other utility services furnished by the city and all such charges may be billed on the same bill. Each user shall be notified, at least annually, in conjunction with a regular bill, of the rate of his sewer service charge and the portion of that charge which is attributable to wastewater treatment services. (Ord. 87-09 §1(part), 1987)

13.04.760 Sewer use charges as lien. Notwithstanding any other provision of this chapter, sewer service charges shall constitute a lien against the premises against which the charge was imposed if the charge remains delinquent for a period of sixty days. Each bill for sewer service shall

include a statement notifying the owner of the lien provided by this section. The lien provided by this section shall have no force or effect until recorded with the county recorder and when so recorded shall have the force, effect, and priority of a judgment lien and continue for three years from the time of recording unless sooner released or otherwise discharged. (Ord. 87-09 §1(part), 1987)

13.04.770 Maintenance of records. The city manager shall maintain adequate records of bills tendered, payments received, delinquencies recorded, charges incurred, and such other information as may be necessary. The city manager shall maintain all required records in accordance with sound accounting principles. Original records to support each payment made shall be retained for six months after which they may be destroyed provided a microfilm record is substituted. If a microfilm record is not maintained, original records of receipts and disbursements shall be retained for three years. Microfilm records shall be retained for two and one-half years. (Ord. 87-09 §1(part), 1987)

13.04.780 Delinquency date for sewer service charges --Penalty for delinquency. Sewer service charges shall be delinquent if not paid in full on or before the thirtieth day immediately following the date upon which such charge becomes due and payable. Whenever any sewer service charge becomes delinquent, there shall be imposed a penalty equal to ten percent of the delinquent payment. In addition, an amount equal to one and one-half percent per month of the delinquent payment and penalty shall be added to the delinquent payment for each month during which the delinquent payment remains unpaid after the delinquency date and the account remains in an open status. (Ord. 87-09 §1(part), 1987)

13.04.790 Payment of charges--Responsible party. The owner of any premises is and shall be responsible for payment of any and all sewer connection charges and sewer service charges applicable to premises owned by him. It shall be and is made the duty of each owner to ascertain from the city the amount and due date of any charges applicable to premises owned by him and to pay such charges when due and payable if such charges are not paid by the user. It shall also be and is made the duty of each owner to inform the city manager immediately of all circumstances, and of any change or changes in any circumstances, which will in any way affect the applicability of any charge to premises owned by him or the amount of any such charge. (Ord. 87-09 §1 (part), 1987)

13.04.800 Disputed bills--Closed accounts. A. If any user or owner disputes the amount of the sewer service

charge for any premises controlled or owned by him in any bill or invoice, he shall, within thirty days immediately following the date upon which such charge becomes due and payable, file a claim with the city manager accompanied by detailed supporting factual data in support of the claim. It shall be the duty of each user or owner to prove to the city manager that such charge is in error and the correct amount thereof. If the city manager determines that the charge was in error, the city manager shall correct the bill or invoice. Failure to dispute the amount of any charge in accordance with this section shall be deemed acceptance of the correctness of the charge.

B. The city manager shall refund any amounts due a user or owner on a closed account; provided, however, refunds on closed accounts of five dollars or less shall not be made unless a specific request is made by the party to whom the refund is owed. The city manager may cancel all closed accounts having a balance of ten dollars or less. (Ord. 87-09 §1(part), 1987)

ARTICLE VII. ENFORCEMENT

13.04.900 Revocation or suspension of wastewater discharge permits. A. A wastewater discharge permit may be suspended or revoked upon written notice to the permittee for any violation of the terms and conditions of the permit, the provisions of this chapter, or applicable state and federal regulations, or for any of the following:

1. Failure of the permittee to factually report the wastewater constituents and characteristics of the permittee's discharge;

2. Failure of the permittee to report significant changes in operations or wastewater constituents and characteristics;

3. Failure of the permittee to correct objectionable conditions listed in a cease and desist order within the time stipulated in such order;

4. Refusal by the permittee to permit reasonable access to the permittee's premises for the purpose of inspecting or monitoring, or verification of records; or

5. Failure or refusal by the permittee to pay sewer service charges or other charges when due.

B. Any permittee whose wastewater discharge permit has been suspended or revoked shall, immediately upon receipt of notice thereof, discontinue the deposit or discharge of industrial waste, sanitary sewage, or effluent into the sanitary sewer system until his permit has been reinstated or a new permit has been issued.

C. Notice of suspension or revocation of a wastewater discharge permit shall be in writing and set forth the reasons for the suspension or revocation. Such notice shall be sent to the permittee by certified mail, return receipt

requested, to the address shown on the permit or as known to the city manager. (Ord. 87-09 §1(part), 1987)

13.04.910 Refusal, discontinuance or termination of sanitary sewer service. A. Sewer service may be refused, discontinued, or terminated to any premises upon written notice to the user and to the owner, if different, for any violation of the provisions of this chapter or applicable state and federal regulations. If any such violation creates an imminent danger to the public health or safety, or to public or private property, then the city manager may act immediately to refuse, discontinue, or terminate sewer service after notice thereof.

B. Notice of refusal, discontinuance, or termination of sewer service shall be in writing and shall set forth the reasons for the refusal, discontinuance, or termination of service. Such notice shall be sent to the user and to the owner of the premises, if different, by certified mail, return receipt requested, to the address shown on the bill for sewer service or as known to the city manager. (Ord. 87-09 §1(part), 1987)

13.04.920 Enforcement of payment of delinquent sewer service charges. In the event any user or owner fails to pay, when due, any sewer service charge applicable to premises controlled or owned by him, the city may enforce payment of such delinquent charges in any of the following manners:

A. The city may have the premises disconnected from the sanitary sewer system pursuant to Section 13.04.910 of this chapter. In the event such disconnection should create a public hazard or nuisance, the city manager or his designated representative may enter upon the premises for the purpose of doing such things as may be reasonably necessary to alleviate or remove such hazard or menace. The user or owner of the premises shall have a duty to reimburse the city for all expenses incurred by the city in disconnecting the premises, or in doing other things authorized by this section, and no reconnection shall be made until all such charges are paid.

B. The city may institute action in any court of competent jurisdiction to collect any charges which may be due and payable in the same manner as any other debts owing to the city may be collected.

C. The city may perfect the lien provided for in Section 13.04.780 of this chapter to collect any and all delinquent payments.

D. The city may place any and all delinquent payments on the tax roll, for collection with its general taxes, as provided in Section 13.04.930 of this chapter.

E. The city may take such other action as may be authorized by law and by the city council. (Ord. 87-09 \$1(part), 1987)

13.04.930 Collection of delinquent sewer service charges on tax roll. A. Pursuant to the provisions of Article 4 (commencing with section 5470) of Chapter 6 of Part 3 of Division 5 of the California Health and Safety Code, the city elects as a procedure for the collection of delinquent sewer service charges to have all such charges for each fiscal year collected on the tax roll in the same manner, by the same persons, and at the same time as, together with and not separately from, its general taxes.

B. The city manager shall prepare and file with the city clerk, on or before the fifth day of July of each year, or such other date or dates as the city council may specify by resolution, a written report containing a description of each and every parcel of real property upon which a delinquent charge is pending for receiving sewer service and the amount of the delinquent charge and penalties for each parcel computed in conformity with the provisions of this chapter.

C. The city clerk shall cause notice of the filing of said report and of the time and place of the hearing thereon to be published, prior to the date set for the hearing, in a newspaper of general circulation printed and published within the city, if there is one, and if not, then in such paper printed and published in Stanislaus County. The publication of said notice shall be once a week for two consecutive weeks. Two publications in a newspaper published once a week or more often, with at least five days intervening between the respective publication dates, not counting such publication dates, shall be sufficient. The period of notice commences upon the first day of publication and terminates at the end of the fourteenth, including therein the first day.

D. Before the city may have delinquent sewer service charges collected on the tax roll for the first time, the city clerk shall cause a notice, in writing, of the filing of said report and of the time and place of the hearing thereon, to be mailed to each person to whom any parcel or parcels of real property described in said report is assessed in the last equalized assessment roll available on the date said report is prepared, at the address shown on said assessment roll or as known to the city clerk. If the city council adopts said report, then the requirements for notice in writing to the persons to whom parcels of real property are assessed shall not apply to hearings on reports prepared in subsequent fiscal years but notice by publication as provided hereinabove shall be adequate.

E. At the time stated in the notice, the city council shall hear and consider all objections or protests, if any,

to said report referred to in said notice, and may continue the hearing from time to time. If the city council finds that protest is made by owners of a majority of separate parcels of property described in said report, then said report shall not be adopted and the charges shall be collected separately from the tax roll in any of the manners provided in Section 13.04.920 of this chapter. In such event the charges shall not constitute a lien against any parcel or parcels of land except as provided in Section 13.04.780 of this chapter.

F. Upon the conclusion of the hearing, the city council may adopt, revise, change, reduce, or modify any charge or overrule any or all objections and shall make its determination upon each charge as described in said report, which determination shall be final.

G. On or before the thirty-first day of August of each year following the final determination upon each charge, the city clerk shall file with the city manager a copy of said report with a statement endorsed thereon over his or her signature that it has been finally adopted by the city council. The city manager shall thereupon cause said charges to be placed on the property tax roll and collected by the county of Stanislaus for the city, as hereinafter provided. The county's tax collector shall enter the amounts of the charges against the respective lots or parcels of land as they appear on the current assessment roll. Where any such parcels are outside the boundaries of the city they shall be added to the assessment roll of the city for the purpose of collecting such charges. If the property is not described on the roll, the county's tax collector may enter the description thereon, together with the amounts of the charges as shown in that report.

H. The amount of the charges shall constitute a lien against the lot or parcel of land against which the charge has been imposed as of noon on the first Monday in March immediately preceding the date of the levy.

I. The tax collector shall include the amount of the charges on the bills for taxes levied against the respective lots or parcels of land. Thereafter, the amount of the charges shall be collected at the same time, in the same manner, by the same persons as, together with and not separately from, the general taxes for the city, and shall be delinquent at the same time and thereafter be subject to the same delinquency penalties.

J. All law applicable to the levy, collection, and enforcement of general taxes of the city including, but not limited to, those pertaining to matters of delinquency, correction, cancellation, refund, and redemption, are applicable to such charges except that if any real property to which such charges relate has been transferred or conveyed to a bona fide purchase for value, or if a lien of a bona fide encumbrancer for value has been created and attaches

thereon, prior to the date on which the first installment of such taxes would become delinquent, then the lien which would otherwise be imposed by this section shall not attach to such real property and the charges relating to such property shall be transferred to the unsecured roll of collections.

K. The tax collector may, in his discretion, issue separate bills for such charges and separate receipts for collection on account of such charges. The county shall be compensated for services rendered in connection with the levy, collection, and enforcement of such charges in an amount to be fixed by agreement between the board of supervisors of Stanislaus County and the city council.

L. If any premises are omitted from the said report or said tax roll, either because the charge therefor shall not have yet been ascertained by the city as of the date of said report, or for any other reason, then the delinquent charge for the premises shall be collected in any of the manners provided in Section 13.04.920 of this chapter.

M. This section shall remain in effect until July 1, 1998, unless sooner repealed. (Ord. 87-09 §1(part), 1987)

13.04.940 Cease and desist orders--Emergency orders.

A. The city manager may issue a cease and desist order to any premises found to be in violation of the provisions of this chapter or applicable state and federal regulations. The city manager may include a time schedule for compliance with any cease and desist order. The city manager may issue a cease and desist order in the event of a threatened violation.

B. The city manager may order the abatement of any discharge or any waste associated with human habitation, or of human or animal origin from any source when it is determined that the discharge causes or threatens to cause a condition which is immediately detrimental to the public health, safety, or welfare. Any such situation shall be abated by service of a notice upon the person responsible for the discharge or the owner of the premises and if not abated within twenty-four hours after serving the notice the city may perform such work or cause to be performed such work as shall be necessary to obtain proper abatement. It is unlawful for any person to fail to obey or correct such conditions within twenty-four hours after being ordered to do so. Any cost incidental to such work shall be an assessment upon the premises affected and shall be collected on the tax roll in the same manner, by the same persons, and at the same time as, together with and not separately from, the general taxes. The city manager shall follow the procedures set forth in Section 13.04.930 of this chapter for having such charges collected with the general taxes. (Ord. 87-09 §1(part), 1987)

13.04.950 Falsification of information. It is unlawful for any person to knowingly make any false statement, representation, record, report, plant, or other document or to knowingly tamper with or render inaccurate any monitoring device or equipment installed or operated pursuant to this chapter or of any wastewater discharge permit issued hereunder. In addition to any punishment or remedy provided by law, any such falsification or tampering shall be grounds for revocation of any wastewater discharge permit issued hereunder. (Ord. 87-09 §1(part), 1987)

13.04.960 Malicious damage to sanitary sewer system. Any unauthorized entering, breaking, damaging, destroying, uncovering, defacing, or tampering with any structure, equipment, or appurtenance which is part of the sanitary sewer system or required pursuant to the provisions of this chapter shall be a violation of this chapter. (Ord. 87-09 §1(part), 1987)

13.04.970 Correction of violations--Collection of costs--Injunctions. In order to enforce the provisions of this chapter, the city may correct any violation hereof. The cost of such correction may be added to the sewer service charge of the person violating the chapter or the owner of the premises upon which the violation occurred, and the city shall have such remedies for the collection of such costs as it has for the collection of sewer service charges. The city may also petition a court of competent jurisdiction for the issuance of a preliminary or permanent injunction, or other, as may be appropriate, restraining any person from the continued violation of this chapter. (Ord. 87-09 §1 (part), 1987)

13.04.980 Appeals. A. Any user, permit applicant, permittee, or owner affected by a decision, action, or determination, including suspension, revocation, refusal, discontinuance, termination, cease and desist order, or emergency order issued by the city manager interpreting, implementing, or enforcing the provisions of this chapter or any wastewater discharge permit issued hereunder, may appeal such decision, action, or determination to the city council pursuant to this section.

B. Any such appeal to the city council shall be made by filing a petition with the city clerk no later than ten working days from date of the decision, action, or determination of the city manager. The petition shall set forth the grounds for the appeal and the reasons why such appeal should be granted. Upon receipt of said petition, the city clerk shall immediately forward a copy of the petition to the city manager and within ten working days following the filing of the appeal the petition shall be placed on the agenda of the city council.

C. In considering and ruling on an appeal of a decision, action, or determination of the city manager, the city council may reverse or affirm the city manager, wholly or in part, or impose such conditions as the facts warrant. The decision of the city council shall be final. (Ord. 87-09 §1(part), 1987)

13.04.990 Violation--Penalty. Any person who violates or fails to comply with any of the provisions of this chapter, or who violates or fails to comply with any permit or order issued or made pursuant to this chapter shall be guilty of an infraction for the first such violation and shall be guilty of a misdemeanor for the second and any further violations within twenty-four months of the first violation. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations within a reasonable time, and when not otherwise specified in any citation or notice of violation, each day, or portion thereof, that such violations continue shall constitute a separate offense. (Ord. 87-09 §1(part), 1987)

13.04.1000 Legal action and civil penalties. A. If any person discharges sanitary sewage, industrial waste, or other wastes into the sanitary sewer system contrary to the provisions of this chapter or applicable state and federal regulations, the city may commence an action in a court of competent jurisdiction for appropriate legal and/or equitable relief.

B. Any person who intentionally or negligently violates any provision of this chapter or any wastewater discharge permit issued hereunder, or who intentionally or negligently discharges waste or wastewater which causes pollution, or violates any effluent limitation, national standard of performance, or national pretreatment or toxicity standard, shall be civilly liable to the city and the city may petition a court of competition jurisdiction to impose, assess, and collect civil penalties therefor to the maximum extent permitted by law. (Ord. 87-09 §1(part), 1987)

Title 14

(RESERVED)

Title 15

BUILDINGS

(RESERVED)

Title 16SUBDIVISIONS AND DEVELOPMENTChapters:

<u>16.04</u>	<u>General Provisions</u>
<u>16.08</u>	<u>Definitions</u>
<u>16.12</u>	<u>Preliminary Maps</u>
<u>16.16</u>	<u>Tentative Maps</u>
<u>16.20</u>	<u>Parcel Maps</u>
<u>16.24</u>	<u>Final Map</u>
<u>16.28</u>	<u>Development</u>
<u>16.32</u>	<u>Street Dedication</u>
<u>16.36</u>	<u>Park Dedication</u>
<u>16.40</u>	<u>School Dedication</u>
<u>16.44</u>	<u>Cost Apportionment</u>
<u>16.48</u>	<u>Reversion to Acreage</u>

Chapter 16.04GENERAL PROVISIONSSections:

16.04.010	Adoption--Title of provisions.
16.04.020	Conformance to provisions required.
16.04.030	Advisory agency designated.
16.04.040	Compliance required.
16.04.050	Coordination of review, decisionmaking and information.
16.04.060	Exclusions from application of title.

16.04.010 Adoption--Title of provisions. This title, Title 16 of the Municipal Code of the City of Hughson, is adopted for the purpose of supplementing and implementing the Subdivision Map Act, Division 2 of Title 7 of the California Government Code, Section 66410 et seq. This title shall be known as, and may be cited as, the "Subdivision and Development Ordinance of the City of Hughson." (Ord. 84-10 \$1, 1984: Ord. 82-1 \$1(part), 1982: prior code \$9-1(A))

16.04.020 Conformance to provisions required. Prior to the subdivision of any land in the city, the subdivider and developer thereof shall conform to and comply with the requirements, rules, and regulations of this title. (Ord. 82-1 \$1(part), 1982: prior code \$9-1(B))

16.04.030 Advisory agency designated. The planning commission shall constitute the advisory agency with respect to all subdivisions, and is empowered to recommend approval, conditional approval, or denial of tentative maps or vesting tentative maps, and shall have all the powers and duties related thereto which are specified by law and city ordinance. (Ord. 86-07 §3, 1986: Ord. 82-1 §1(part), 1982: prior code §9-1(C))

16.04.040 Compliance required. It is unlawful for any individual, firm, association, syndicate, copartnership, or corporation as a principal, agent, or otherwise, to:

A. Divide real property in any manner that shall constitute a subdivision, unless and until all the requirements of this title have been complied with; or

B. Sell, lease, or divide for the purpose of financing, any division of land that shall constitute a subdivision unless and until all the requirements of this title have been complied with. (Ord. 84-10 §2, 1984: Ord. 82-1 §1(part), 1982: prior code §9-2)

16.04.050 Coordination of review, decisionmaking and information. The planning officer shall be responsible for the coordination of review and decisionmaking and the provision of information regarding the status of all applications and permits for residential, commercial and industrial developments required by this title. (Ord. 84-08 §1, 1984)

16.04.060 Exclusions from application of title. The provisions of this title shall not apply to:

A. Financing or leasing of apartments, offices, stores, or similar space within apartment buildings, industrial buildings, commercial buildings, mobile home parks, or trailer parks;

B. Mineral, oil, or gas leases;

C. Land dedicated for cemetery purposes under the Health & Safety Code of the state of California;

D. A lot line adjustment between two or more existing adjacent parcels, where the land taken from one parcel is added to an adjacent parcel, and where a greater number of parcels than originally existed is not thereby created; provided, however, the lot adjustment is approved by the council;

E. Any separate assessment under Section 2188.7 of the California Revenue and Taxation Code;

F. Unless a parcel or final map was approved by the council, the conversion of a community apartment project, as defined in Section 11004 of the California Business and Professions Code, to a condominium, as defined in Section 783 of the California Civil Code, but only if all of the following requirements are met:

1. At least seventy-five percent of the units in the project were occupied by record owners of the project on March 31, 1982,

2. A final or parcel map of the project was properly recorded, if the property was subdivided after January 1, 1964, with all the conditions of that map remaining in effect after the conversion, and

3. The council certifies that the requirements of this subsection were satisfied;

G. Unless a parcel or final map was approved by the council, the conversion of a stock cooperative, as defined in Section 11003.2 of the California Business & Professions Code, to a condominium, as defined in Section 783 of the California Civil Code, but only if all of the following requirements are met:

1. At least fifty-one percent of the units in the cooperative were occupied by stockholders of the cooperative on January 1, 1981, or individually owned by stockholders of the cooperative on January 1, 1981. As used in this subsection, a cooperative unit is "individually owned" if and only if the stockholder of such unit owns or partially owns an interest in no more than one unit in the cooperative,

2. No more than twenty-five percent of the shares of the cooperative were owned by any one person, as defined in Section 17 of the California Government Code, including an incorporator or director of the cooperative, on January 1, 1981,

3. A person renting a unit in any cooperative shall be entitled at the time of conversion to all tenant rights in state and local law including, but not limited to, rights respecting first refusal, notice, displacement, and relocation benefits, and

4. The council certifies that the requirements of this subsection were satisfied;

H. The financing or leasing of any parcel of land, or any portion thereof, in conjunction with the construction of commercial or industrial buildings on a single parcel, unless the project is not subject to review under other ordinances of the city regulating design and improvement;

I. The financing or leasing of existing separate commercial or industrial buildings on a single parcel;

J. The construction, financing, or leasing of dwelling units pursuant to Section 65852.1 of the California Government Code or second units pursuant to Section 65852.2 of the California Government Code; provided, however, this title shall be applicable to the sale or transfer, but not the leasing, of those units. (Ord. 84-10 §3, 1984)

Chapter 16.08

DEFINITIONS

Sections:

16.08.010	Adopted.
16.08.020	Generally.
16.08.030	Alley.
16.08.040	Bicycle path.
16.08.050	Block.
16.08.060	Commission.
16.08.070	Council.
16.08.080	Cul-de-sac.
16.08.090	Developer.
16.08.100	Development.
16.08.110	Director.
16.08.120	Dwelling unit.
16.08.130	Final map.
16.08.140	Freeway.
16.08.150	Frontage road.
16.08.160	General plan.
16.08.170	Health department.
16.08.180	Improvement plan.
16.08.190	Improvements.
16.08.200	Map Act.
16.08.210	Median.
16.08.220	Parcel map.
16.08.230	Planning officer.
16.08.240	Public facilities.
16.08.250	Site development.
16.08.260	Specifications.
16.08.270	Street.
16.08.280	Street, arterial.
16.08.290	Street, collector.
16.08.300	Street, minor.
16.08.310	Subdivider.

Sections: (Continued)

- 16.08.320 Subdivision.
- 16.08.330 Tentative map.
- 16.08.340 Thoroughfare.
- 16.08.345 Vesting tentative map.
- 16.08.350 Walkway.

16.08.010 Adopted. Whenever any words or phrases used in this title are not defined herein but are defined in the Subdivision Map Act, as last amended, such definitions are incorporated herein and shall be deemed to apply as though set forth in this chapter. (Ord. 82-1 §1(part), 1982: prior code §9-3(A))

16.08.020 Generally. The following words and phrases shall have the meanings respectively ascribed to them. (Ord. 82-1 §1(part), 1982: prior code §9-3(part))

16.08.030 Alley. "Alley" means a way intended primarily for vehicular service access to the back or side of properties otherwise abutting on a street, and providing only secondary access to such property. (Ord. 82-1 §1(part), 1982: prior code §9-3(part))

16.08.040 Bicycle path. "Bicycle path" means a path, trail, route, or land designated for use by bicycles and other nonmotorized traffic. (Ord. 82-1 §1(part), 1982: prior code §9-3(part))

16.08.050 Block. "Block" means an area of land entirely bounded, or to be entirely bounded, by streets, highways or ways, railroads, or subdivision boundaries, except alleys. (Ord. 82-1 §1(part), 1982: prior code §9-3(part))

16.08.060 Commission. "Commission" means the planning commission of the city. (Ord. 82-1 §1(part), 1982: prior code §9-3(part))

16.08.070 Council. "Council" means the city council of the city. (Ord. 82-1 §1(part), 1982: prior code §9-3(part))

16.08.080 Cul-de-sac. "Cul-de-sac" means a minor street which connects to another street at one end only. (Ord. 82-1 §1(part), 1982: prior code §9-3(part))

16.08.090 Developer. "Developer" means a person, firm, corporation, partnership, or association who proposes to construct, or constructs, or causes to be constructed any development on or for any portion of any land proposed to be

subdivided in accordance with this title or on or for any land previously subdivided. (Ord. 82-1 §1(part), 1982: prior code §9-3(part))

16.08.100 Development. "Development" means the construction of any improvements. (Ord. 82-1 §1(part), 1982: prior code §9-3(part))

16.08.110 Director. "Director" means the director of public works of the city. (Ord. 82-1 §1(part), 1982: prior code §9-3(part))

16.08.120 Dwelling unit. "Dwelling unit" means a building or a portion thereof, or a mobile home, designed for residential occupancy by one person or a group of two or more persons living together as a domestic unit. (Ord. 82-1 §1(part), 1982: prior code §9-3(part))

16.08.130 Final map. "Final map" means a map prepared in accordance with the provisions of this title and the Subdivision Map Act of the state, which map is designed to be recorded in the office of the recorder of the county. (Ord. 82-1 §1(part), 1982: prior code §9-3(part))

16.08.140 Freeway. "Freeway", as defined in the Streets and Highways Code of the state, means a highway which, because of its design and relation to the state and county highway system, is or will be used primarily for fast, heavy, or dense traffic, and to which rights of access from abutting properties or streets along the right-of-way therefor will be prohibited or limited. (Ord. 82-1 §1(part), 1982: prior code §9-3(part))

16.08.150 Frontage road. "Frontage road" means a street or road adjacent to an arterial, thoroughfare, or freeway, which provides access to properties and protection from the through traffic on adjacent streets. (Ord. 82-1 §1(part), 1982: prior code §9-3(part))

16.08.160 General plan. "General plan" means the general plan of the city, including any precise or area plans or elements adopted as part thereof. (Ord. 82-1 §1(part), 1982: prior code §9-3(part))

16.08.170 Health department. "Health department" means the health department of the county, acting through the county health officer or his representative, and which shall advise and act on behalf of the city concerning matters of sanitation and public health. (Ord. 82-1 §1(part), 1982: prior code §9-3(part))

16.08.180 Improvement plan. "Improvement plan" means an engineering plan, submitted by a civil engineer licensed to practice in the state, showing the design, sanitary sewers, water systems, grading, and earthwork, and all other development, appurtenant structures, and facilities and construction, including engineering calculations therefor, comprising on-site and off-site improvements required for a subdivision or site development. (Ord. 82-1 §1(part), 1982: prior code §9-3(part))

16.08.190 Improvements. "Improvements" means such street work and utilities, grading and earthwork, to be installed, or agreed to be installed, by the subdivider and/or developer on the land to be used for public or private streets, highways, ways, and easements, as are necessary for the general use of the lot owners in the subdivisions or of the site and local neighborhood traffic and drainage needs, as a condition precedent to the approval and acceptance of the final map or parcel map of the subdivision, or, in the case of a site development, as a condition precedent to the issuance of any building permit. Improvements also refers to such other specific improvements or types of improvements, the installation of which, either by the subdivider and/or developer, by public agencies, by private utilities, by any other entity approved by the council, or by a combination thereof, is necessary or convenient to ensure conformity to or implementation of the general plan. (Ord. 82-1 §1(part), 1982: prior code §9-3(part))

16.08.200 Map Act. "Map Act" means the Subdivision Map Act of the state, Division 2 of Title 7 of Government Code, as amended. (Ord. 82-1 §1(part), 1982: prior code §9-3(part))

16.08.210 Median. "Median" means the area separating the travelled ways of opposing directional movements of vehicular traffic along and within a roadway. (Ord. 82-1 §1(part), 1982: prior code §9-3(part))

16.08.220 Parcel map. "Parcel map" means a map prepared in accordance with the requirements of this title and the Subdivision Map act of the state, which map is designed to be recorded in the office of the county recorder, as required for subdivisions of less than five parcels, and as otherwise provided in said Act. (Ord. 82-1 §1(part), 1982: prior code §9-3(part))

16.08.230 Planning officer. "Planning officer" means that officer of the city designated from time to time to perform the duties of review set forth in this title. (Ord. 82-1 §1(part), 1982: prior code §9-3(part))

16.08.240 Public facilities. "Public facilities" means all improvements installed to serve the public, including, but not limited to, water, sanitary sewer, storm drainage, street improvements, landscaping, street lights, electricity, telephone, parks, and cable television. (Ord. 82-1 §1(part), 1982: prior code §9-3(part))

16.08.250 Site development. "Site development" means the development of any lot or parcel of land. (Ord. 82-1 §1(part), 1982: prior code §9-3(part))

16.08.260 Specifications. "Specifications" means specifications for construction materials, methods of construction, tests, design and construction standards, and related conditions of the city as adopted by ordinance or resolution of the city council. Such specifications shall be deemed to apply as though set forth in this title. (Ord. 82-1 §1(part), 1982: prior code §9-3(part))

16.08.270 Street. "Street" means a way, excepting trails, paths, and alleys for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, road, freeway, arterial, expressway, avenue, boulevard, lane, place, court, circle, loop, or way. (Ord. 82-1 §1(part), 1982: prior code §9-3(part))

16.08.280 Street, arterial. "Arterial street" means any street which carries or will carry the major flow of traffic, and for which the interval and extent of fronting uses, access, and traffic entering it from side streets and roadways may be restricted and otherwise controlled. (Ord. 82-1 §1(part), 1982: prior code §9-3(part))

16.08.290 Street, collector. "Collector street" means any street intermediate in function between minor streets and arterials which, because of its location relative to other streets or traffic generators, carries or will carry traffic between minor and arterial streets, or serves as a primary access to a neighborhood unit, or for the circulation of traffic within or through such a neighborhood unit. (Ord. 82-1 §1(part), 1982: prior code §9-3(part))

16.08.300 Street, minor. "Minor street" means a local residential, commercial, or industrial service street which serves or will serve local neighborhood traffic only, and which, because of its location relative to other streets and traffic generators, will not become a collector street, or, is a cul-de-sac not designed for future extension. (Ord. 82-1 §1(part), 1982: prior code §9-3(part))

16.08.310 Subdivider. "Subdivider" means a person, firm, corporation, partnership or association who proposes to divide, divides, or causes to be divided real property onto a subdivision for himself or for others. (Ord. 82-1 §1(part), 1982: prior code §9-3(part))

16.08.320 Subdivision. "Subdivision" means the division of any improved or unimproved land, shown on the latest equalized county assessment roll as a unit or as contiguous units, for the purpose of sale, lease, or financing, whether immediate or future. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility easements, or railroad rights-of-way. "Subdivision" includes a condominium project as defined in Section 1530 of the Civil Code, or a community apartment project as defined in Section 11004 of the Business and Professions Code, or the conversion of five or more existing dwelling units to a stock cooperative as defined in Section 11003.2 of the Business and Professions Code. Any conveyance of land to a governmental agency, public entity, or public utility shall not be considered a division of land for purposes of computing the number of parcels. (Ord. 82-1 §1(part), 1982: prior code §9-3(part))

16.08.330 Tentative map. "Tentative map" means a map, prepared by or under the direction of a land surveyor or civil engineer licensed to practice in the state, for the purpose of showing the design of a proposed subdivision, the existing conditions in and around such subdivision, and other information as may be required. (Ord. 82-1 §1(part), 1982: prior code §9-3(part))

16.08.340 Thoroughfare. "Thoroughfare" means a major street, road, highway, or parkway, either existing or proposed, of general city or county importance, and so designated in the circulation element of the general plan. (Ord. 82-1 §1(part), 1982: prior code §9-3(part))

16.08.345 Vesting tentative map. "Vesting tentative map" means a tentative map for a residential subdivision that shall have printed conspicuously on its face the words "Vesting Tentative Map" at the time it is filed in accordance with Section 16.17.030. (Ord. 86-07 §14, 1986)

16.08.350 Walkway. "Walkway" means a way, path, or trail designed for pedestrian traffic and not intended for use as a way for motor-driven vehicles. Public walkways, paths, and trails shall include only those for which rights-of-way are dedicated or deeded to and accepted by the city. (Ord. 82-1 §1(part), 1982: prior code §9-3(part))

Chapter 16.12PRELIMINARY MAPSSections:

- 16.12.010 Form and contents.
- 16.12.020 Filing fee.
- 16.12.030 Review requirements.
- 16.12.040 Waiver allowed when.

16.12.010 Form and contents. Prior to the filing of a tentative or vesting tentative map for any subdivision and except as otherwise provided in this chapter, the subdivider shall submit to the planning officer four prints of a preliminary map, prepared in a manner acceptable to the planning officer, which shall at the discretion of the planning officer, contain the following information:

- A. The names and addresses of:
 - 1. The legal owner(s) of the property,
 - 2. The subdivider, and
 - 3. The civil engineer or land surveyor preparing the map;
- B. The boundary lines and dimensions of the entire parcel upon which the subdivision is proposed;
- C. The location of all adjacent property lines, and the names and addresses of the owners of record of all adjoining undeveloped properties;
- D. The locations, names, and widths of all adjoining streets and rights-of-way;
- E. The widths, approximate locations, and deed references of all existing easements of rights-of-way on or appurtenant to the property;
- F. The approximate location and direction of flow of all watercourses, and the approximate location of all areas subject to instability, inundation, or ponding;
- G. A topographic contour map accurately showing the existing terrain within and to a pertinent distance around the property, buildings, trees, roadways, culverts, aerial and underground utilities, wells, springs, irrigation ditches, and all existing structures and improvements in their correct location. Elevations shall be in accordance with U.S.G.S. 1929 sea level datum;
- H. The date, north point, and scale;
- I. The areas proposed for development, in sketch form, to show proposed improvements, land use and access, streets, significant public facilities, approximate finish grades, and other information which may be necessary to depict the development contemplated;

J. The preliminary map shall be accompanied by a current preliminary title report or title report on the subject property. (Ord. 86-07 §4, 1986: Ord. 82-1 §1(part), 1982: prior code §9-4(A))

16.12.020 Filing fee. At the time of filing of the preliminary map, the applicant shall pay the preliminary map filing fee as set forth in the current city fee schedule. (Ord. 82-1 §1(part), 1982: prior code §9-4(B))

16.12.030 Review requirements. The planning officer shall, within twenty-one days of the receipt of the preliminary map, preliminary map filing fee, and accompanying exhibits found to be complete to his satisfaction, consult with city departments and other agencies and schedule a preliminary map conference with the subdivider or his agent, at which time he shall advise the subdivider on matters regarding the land use planning and design of the proposal in respect to the general plan and other city regulations and requirements which should be reflected in the tentative map or vesting tentative map. (Ord. 86-07 §5, 1986: Ord. 82-1 §1(part), 1982: prior code §9-4(C))

16.12.040 Waiver allowed when. The planning officer may at his discretion waive the requirement of preliminary map filing, review, and conference where no significant benefit to the applicant or other useful purpose may be achieved. (Ord. 82-1 §1(part), 1982: prior code §9-4(D))

Chapter 16.16

TENTATIVE MAPS

Sections:

- 16.16.010 Generally.
- 16.16.020 Form and contents.
- 16.16.030 Information--Required.
- 16.16.040 Information--Additional.
- 16.16.050 Data required.
- 16.16.060 Filing.
- 16.16.070 Acceptance and rejection.
- 16.16.080 Conference.
- 16.16.090 Exception request.
- 16.16.100 Approval and disapproval.
- 16.16.110 Environmental review.
- 16.16.120 Conditions imposed.
- 16.16.130 Denial.
- 16.16.140 Appeal.
- 16.16.150 Report.

Sections: (Continued)

- 16.16.160 Hearing.
- 16.16.170 Expiration--Period.
- 16.16.180 Expiration--Renewal prohibited.
- 16.16.190 Expiration--Time extension--Period.
- 16.16.200 Expiration--Time extension--Conditions.
- 16.16.210 Modification limitation.

16.16.010 Generally. A. A tentative map shall be filed and processed in accordance with the Subdivision Map Act and the provisions of this title and shall have been approved or conditionally approved prior to the submission of a final map or parcel map for a subdivision, except as otherwise provided in this chapter.

B. The tentative map shall be prepared in a manner acceptable to the planning officer, and shall be prepared by or under the direction of a land surveyor or civil engineer licensed to practice in the state, and shall meet all requirements for tentative maps provided by the Subdivision Map Act and this title. (Ord. 82-1 §1(part), 1982: prior code §9-5(A))

16.16.020 Form and contents. Tentative maps shall be clearly and legibly drawn on one sheet, on tracing cloth or tracing paper of good quality, or a stable polyester-base film, at least twenty-four by thirty-six inches in size, and to an engineer's scale large enough to show all information clearly, but not less than one hundred feet per inch, and shall comply with the following requirements:

A. Elevations shall be based on U.S.G.S. 1929 sea level datum;

B. The contour interval shall not be greater than one-half foot if the ground slope is two percent or less, nor greater than one foot if the ground slope is five percent or less, nor greater than two feet if the ground slope is between five percent and ten percent at at any lesser interval as long as in any case the contour lines measure no less than one hundred fifty feet apart (ground distance). (Ord. 82-1 §1(part), 1982: prior code §9-5(B)(1))

16.16.030 Information--Required. The tentative map shall set forth the following information:

A. The boundaries of the property as surveyed on the ground, showing bearings and distances measured and corners and monuments found and set;

B. Topographic contour and planimetric mapping accurately showing the existing terrain, within and extending a minimum of two hundred feet outside the perimeter of the property, including existing drainage channels and

watercourses, irrigation ditches and culverts, and the direction of flow thereof; pipes and structures, wells, springs, slide areas, trees, roads; underground, surface, and aerial utilities and structures; and the locations and names of all adjacent streets and underground improvements and facilities therein;

C. The title, which shall be placed at the lower right-hand corner of the map and shall contain the subdivision number assigned by the city and may contain a subdivision name (subject to approval of the planning commission), and shall be dated to reflect the current map status;

D. The names, addresses, and phone numbers of the legal owner of the property, the subdivider, and the surveyor or civil engineer who prepared the tentative map; signature and seal of the surveyor or civil engineer indicating the date of preparation;

E. Certificates for execution by the planning officer indicating acceptability of the map form and content for filing, and the approval and date thereof by the commission;

F. The north arrow, scale, and contour interval for maps;

G. A vicinity map showing roads, adjoining and nearby subdivisions, towns, creeks, railroads, schools, shopping and other data sufficient to locate the proposed subdivision relative to existing and known proposed community development;

H. The limits and dimension, owners of record, purpose, and deed references of existing easements and rights-of-way on, adjacent or appurtenant to the property;

I. The property lines of abutting properties, the lot and subdivision numbers of existing abutting lots, and any existing improvements or conditions which may affect or be significantly affected by the proposed development;

J. The names and addresses of owners of record of all contiguous undeveloped property, and deed references therefor;

K. The approximate boundary lines of existing land use zones and taxing jurisdictions on, near, or affecting the property. (Ord. 82-1 §1(part), 1982: prior code §9-5(B)(2))

16.16.040 Information--Additional. The tentative map shall also set forth the following information:

A. The proposed lot and street layout, with scaled lot line dimensions, each lot numbered consecutively within the entire proposed subdivision;

B. Street names, width of street rights-of-way and traveled ways, approximate grade, and radii of curvature along property lines. Street names shall be subject to the approval of the planning officer and shall not duplicate or be in conflict with any existing street names in the city or postal district;

C. Typical geometric cross-sections for streets showing pavement widths, curbs, sidewalks, grading in marginal strips, slopes of cuts and fills, and other applicable improvements proposed, in conformance with city standards;

D. The location, easement widths, approximate grade, direction of flow, and type of all proposed storm drainage and sanitary sewer systems required to serve the development, on-site and off-site;

E. The location of easement widths and type of all proposed major water facilities and systems, on-site and off-site;

F. Proposed school, park, recreation, and other public or private use areas other than single-family residential;

G. All trees which will remain after the finished grading and construction of the development shall be identified on the tentative map;

H. Any required data which is impossible or impractical to place on the tentative map shall be submitted in writing. (Ord. 82-1 §1(part), 1982: prior code §9-5(B)(3))

16.16.050 Data required. The tentative map shall also be accompanied by the following supplemental data, which shall be submitted at the time the map is filed:

A. A preliminary site development plan delineating grading (lot pad elevations and grades, cut-and-fill slopes) and the proposed streets, storm and sanitary sewer improvements, including approximate finish grades and elevations;

B. A written statement and tabulation of general information which shall contain:

1. The existing use or uses of the property,

2. A summary description of the proposed subdivision, including the number of lots, their average, minimum and maximum size, the nature of each segment of development proposed and the intended time schedule and sequence therefor, the overall and incremental density of dwelling units in proposed residential areas,

3. The source and methods of sewerage and water supply to serve the development,

4. The proposed plan for draining or correcting areas subject to flooding or inundation by stormwater flowing into, on, or from the subdivision,

5. A description of the organizational and legal structure, format, function, extent of responsibility and principles of associations, management organizations, and other devices proposed,

6. Any other characteristics or improvements proposed or contemplated;

C. A current preliminary report of title on the subject property;

D. A draft environmental impact report or other environmental document(s) as required by CEQA;

E. When a tentative map is to be filed on an area which is part of a larger single ownership or where contiguous property is affected by or rendered potentially developable by virtue of the proposed development, the planning officer may require a sketch plan of possible future development on all or part of said contiguous properties, to be submitted at the time of tentative map filing;

F. When required by the planning officer, a preliminary investigation of site soils conditions and a statement of evaluation thereof by a qualified soils geologist or registered civil engineer specializing in soils engineering, pertaining to specific soils conditions and as to the stability of areas in which slides have occurred or where there is slide hazard within or immediately adjoining the proposed subdivision, shall be submitted at the time of the tentative map filing;

G. The planning officer shall not accept a tentative map for filing unless the map and all information and data required as part of or to accompany said map for filing are complete and in a form acceptable to the planning officer. (Ord. 82-1 §1(part), 1982: prior code §9-5(C))

16.16.060 Filing. Every subdivider shall file with the planning officer the number of tentative map and preliminary site development plan prints as determined necessary by the planning officer together with the tentative map filing fee as set forth in the current city fee schedule. (Ord. 82-1 §1(part), 1982: prior code §9-5(D)(1))

16.16.070 Acceptance and rejection. The planning officer shall, within thirty calendar days from the time the map and all accompanying data have been received, examine the map and accompanying data and, if they are in full compliance with the provisions of all laws and this chapter, shall deem the application as complete and accept the map for filing. If it is incomplete and not accepted, it shall be returned to the subdivider with a written statement of the reason it was not accepted for filing. The planning officer shall forward copies of the filed tentative map and other pertinent accompanying data to the interested public agencies, which may in turn forward to the planning officer their findings and recommendations thereon. (Ord. 86-07 §6, 1986: Ord. 82-1 §1(part), 1982: prior code §9-5(D)(2,3))

16.16.080 Conference. Within twenty working days from the filing of a tentative map, the planning officer shall schedule a subdivision conference to be held prior to the date on which the map is scheduled for planning commission action. Written notice of such conference shall be given to

the subdivider and all interested agencies. At such conference, all recommendations made by various agencies and departments shall be discussed. The results of the conference, together with the planning officer's report, shall be presented to the planning commission. A copy of any report or recommendation of the planning officer on a tentative map shall be provided to the subdivider and to those persons specified in Government Code Section 66452.3 at least three days prior to any hearing or action on such map by the planning commission. (Ord. 82-1 §1(part), 1982: prior code §9-5(E) (1))

16.16.090 Exception request. Any requests for exceptions to the various conditions to be considered by the planning commission shall be filed, in writing, with the planning officer not later than the second working day following the subdivision conference. (Ord. 82-1 §1(part), 1982: prior code §9-5(E) (2))

16.16.100 Approval and disapproval. The planning officer, upon receipt of the tentative maps for filing conforming to all requirements of this chapter, together with the appropriate filing fees, shall schedule said map for review by the commission. Within fifty days from the date of filing said maps, unless such time is extended by mutual consent of the subdivider and the commission, the commission shall approve, conditionally approve, or deny the tentative map, and shall report its decision to the council and subdivider. In the event of disapproval, the subdivider shall be furnished with a statement of the reason and authority for such disapproval. In the event of conditional approval, the subdivider shall be furnished with a statement of conditions and changes necessary for incorporation in the final map. (Ord. 82-1 §1(part), 1982: prior code §9-5(F) (1))

16.16.110 Environmental review. In considering the approval or conditional approval of a tentative map, the commission shall first find that the proposed subdivision, together with the provisions for its design and improvements, is consistent with applicable general or specific plans of the city, and shall then examine the draft EIR and certify its adequacy and conformity with the provisions of the California Environmental Quality Act. (Ord. 82-1 §1(part), 1982: prior code §9-5(F) (2))

16.16.120 Conditions imposed. In approving tentative maps, the commission may impose such reasonable conditions as it deems necessary and in the interest of public health, safety, environment, or community welfare in accord with the purpose and intent of this chapter. (Ord. 82-1 §1(part), 1982: prior code §9-5(F) (3))

16.16.130 Denial. A tentative map may be denied by the planning commission on any of the grounds provided therefor in the Subdivision Map Act. (Ord. 82-1 §1(part), 1982: prior code §9-5(F)(4))

16.16.140 Appeal. Any action of the commission with respect to a tentative map may be appealed by the subdividers, or those persons listed in Government Code Section 66452.5, in writing, within fifteen working days from the date of that action by the commission. Such appeal shall be filed with the city clerk. The council shall set the matter for hearing within thirty days of the date of filing the appeal, and shall render its decision within ten days after the conclusion of the hearing. (Ord. 82-1 §1(part), 1982: prior code §9-5(F)(5))

16.16.150 Report. If a tentative map is approved, or conditionally approved, the planning officer shall transmit a written report to the city council within fifteen days or at its next succeeding regular meeting. (Ord. 82-1 §1(part), 1982: prior code §9-5(F)(6))

16.16.160 Hearing. The council, upon receipt of the planning officer's report on commission action to approve or conditionally approve a tentative map, upon finding that extenuating conditions may exist, may order an appeal of that decision, whereupon it shall be heard at a public hearing at the next regular meeting of the council. (Ord. 82-1 §1(part), 1982: prior code §9-5(F)(7))

16.16.170 Expiration--Period. An approved or conditionally approved tentative map shall expire twenty-four months from the date of its approval or conditional approval. (Ord. 82-1 §1(part), 1982: prior code §9-5(F)(8))

16.16.180 Expiration--Renewal prohibited. The expiration of the approved or conditionally approved tentative map shall terminate all proceedings, and no final map or parcel map shall be filed for any portion of the real property included within such tentative map without first processing a new tentative map. (Ord. 82-1 §1(part), 1982: prior code §9-5(F)(9))

16.16.190 Expiration--Time extension--Period. Upon written application of the subdivider filed prior to the expiration of an approved or conditionally approved tentative map, the time at which such map expires may be extended by the planning commission for a period or periods not exceeding a total additional twelve months. (Ord. 82-1 §1(part), 1982: prior code §9-5(F)(10))

16.16.200 Expiration--Time extension--Conditions. In granting an extension new conditions may be imposed and existing conditions may be revised. If the commission denies a subdivider's application for extension, the subdivider may appeal to the city council, in writing, within fifteen working days from the date the commission has denied the extension. (Ord. 82-1 §1(part), 1982: prior code §9-5(F) (11))

16.16.210 Modification limitation. Modification of a tentative map after approval or conditional approval shall not extend the time limits imposed by Sections 16.16.170 through 16.16.200. (Ord. 82-1 §1(part), 1982: prior code §9-5(F) (12))

Chapter 16.17

VESTING TENTATIVE MAPS

Sections:

- 16.17.010 Consistency.
- 16.17.020 Application.
- 16.17.030 Filing and processing.
- 16.17.040 Filing fee.
- 16.17.050 Expiration.
- 16.17.060 Vesting on approval of vesting tentative map.
- 16.17.070 Development inconsistent with zoning--Conditional approval.
- 16.17.080 Application inconsistent with current policies.
- 16.17.090 Other provisions apply.

16.17.010 Consistency. No land shall be subdivided and developed pursuant to a vesting tentative map for any purpose which is inconsistent with the general plan and any applicable specific plan or which is not permitted by the zoning ordinance or other applicable provisions of any ordinances or of this code. (Ord. 86-07 §15(part), 1986)

16.17.020 Application. A. This chapter shall apply only to residential developments. Whenever a provision of the Subdivision Map Act, as implemented and supplemented by this title, requires the filing of a tentative map for a residential development, a vesting tentative map may instead be filed, in accordance with the provisions of this chapter.

B. If a subdivider does not seek the rights conferred by Chapter 4.5 of the Subdivision Map Act (commencing with

Section 66498.1 of the California Government Code), the filing of a vesting tentative map shall not be a prerequisite to any approval for any proposed subdivision, permit for construction, or work preparatory to construction. (Ord. 86-07 §15(part), 1986)

16.17.030 Filing and processing. A vesting tentative map shall be filed in the same form and have the same contents, accompanying data and reports and shall be processed in the same manner as set forth in this title for a tentative map except as provided in this chapter.

A. At the time a vesting tentative map is filed it shall have printed conspicuously on its face the words "Vesting Tentative Map."

B. At the time a vesting tentative map is filed a subdivider shall also supply information with respect to the proposed height, size, location and architectural plans for buildings shown on a vesting tentative map. (Ord. 86-07 §15(part), 1986)

16.17.040 Filing fee. At the time of filing of the vesting tentative map, the subdivider shall pay the vesting tentative map fee as set forth in the current city fee schedule. (Ord. 86-07 §15(part), 1986)

16.17.050 Expiration. The approval or conditional approval of a vesting tentative map shall expire at the end of the same time period, and shall be subject to the same extensions established by this title for the expiration of the approval or conditional approval of a tentative map. (Ord. 86-07 §15(part), 1986)

16.17.060 Vesting on approval of vesting tentative map. A. The approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards described in California Government Code Section 66474.2. However, if Section 66474.2 of the California Government Code is repealed, the approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards in effect at the time the vesting tentative map is approved or conditionally approved.

B. Notwithstanding subsection A of this section, a permit, approval, extension, or entitlement may be made conditional or denied if any of the following are determined:

1. A failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both.

2. The condition or denial is required, in order to comply with the state or federal law.

C. The rights referred to in this section shall expire if a final map or parcel map is not approved prior to the expiration of the vesting tentative map as provided in Section 16.17.050 of this chapter. If the final map or parcel map is approved, these rights shall last for the following periods of time:

1. An initial time period of one year. Where several final maps are recorded on various phases of a project covered by a single vesting tentative map, this initial time period shall begin for each phase when the final map or parcel map for that phase is recorded.

2. The initial time period set forth in subdivision 1 of this subsection, shall be automatically extended by any time used for processing a complete application for a grading permit or for design or architectural review, if such processing exceeds thirty days, from the date a complete application is filed.

3. A subdivider may apply for a one-year extension at any time before the initial time period set forth in subdivision 1 of this subsection expires. If the extension is denied, the subdivider may appeal that denial to the council within fifteen days.

4. If the subdivider submits a complete application for a building permit during the periods of time specified in subdivisions 1, 2 and 3 of this subsection, the rights referred to in this section shall continue until the expiration of that permit, or any extension of that permit. (Ord. 86-07 §15(part), 1986)

16.17.070 Development inconsistent with zoning--Conditional approval. A. Whenever a subdivider file a vesting tentative map for a subdivision whose intended development is inconsistent with the zoning ordinance in existence at that time, that inconsistency shall be noted on the map. The council may deny such a vesting tentative map or approve it conditioned on the subdivider, or his or her designee, obtaining the necessary change in the zoning ordinance to eliminate the inconsistency. If the change in the zoning ordinance is obtained, the approved or conditionally approved vesting tentative map shall, notwithstanding Section 16.17.060A of this chapter, confer the vested right to proceed with the development in substantial compliance with the change in the zoning ordinance and the map, as approved.

B. The rights conferred by this section shall be for the time periods set forth in Section 16.17.060A of this chapter. (Ord. 86-07 §15(part), 1986)

16.17.080 Application inconsistent with current policies. Notwithstanding any provision of this title, a property owner, or his or her designee, may seek approvals

or permits for development which depart from the ordinances, policies, and standards described in Sections 16.17.060 and 16.17.070 of this chapter, and local agencies may grant these approvals or issue these permits to the extent that the departures are authorized under applicable law. (Ord. 86-07 §15(part), 1986)

16.17.090 Other provisions apply. Except as otherwise set forth in this chapter, all other provisions of this title shall apply to vesting tentative maps. (Ord. 86-07 §15(part), 1986)

Chapter 16.20

PARCEL MAPS

Sections:

- 16.20.010 Tentative or vesting tentative map required.
- 16.20.020 Required when.
- 16.20.030 Improvement requirements.
- 16.20.040 Form and contents.
- 16.20.050 Submittals required.
- 16.20.060 Approval and recordation.

16.20.010 Tentative or vesting tentative map required. When a parcel map is required by this chapter, a preliminary map and a tentative or vesting tentative map shall first be filed with the planning officer. The preliminary map shall meet all the requirements for preliminary maps provided by Chapter 16.12. The tentative or vesting tentative map shall meet all the requirements for tentative maps provided by the Subdivision Map Act and Chapter 16.16. The vesting tentative map shall also meet all the requirements for vesting tentative maps provided by Chapter 16.17 of this title. (Ord. 86-07 §7, 1986: Ord. 84-07 §1, 1984: Ord. 82-1 §1(part), 1982: prior code §9-7(A)(1))

16.20.020 Required when. A parcel map shall be filed and recorded for any subdivision for which a final map is not required by the Subdivision Map Act, except for subdivisions created by short-term leases (terminable by either party on not more than thirty days' notice in writing) of a portion of an operating right-of-way of a railroad corporation defined as such by Section 230 of the Public Utilities Code; provided, however, that if the planning officer finds, upon substantial evidence, that the public interest necessitates such a map, this exception shall not apply. (Ord. 82-1 §1(part), 1982: prior code §9-7(A)(2))

16.20.030 Improvement requirements. Where public improvements are required, improvement plans, engineering calculations, and cost estimates shall be submitted and

approved by the city engineer prior to acceptance of a parcel map for filing. (Ord. 82-1 §1(part), 1982: prior code §9-7(A) (3))

16.20.040 Form and contents. A. The parcel map shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor, shall show the location of all streets and property lines and easements bounding the property, and shall conform to all the following provisions:

1. It shall be legible drawn, printed, or reproduced by a process guaranteeing a permanent record in black on tracing cloth or a stable polyester-base vellum. Certificates may be legibly stamped or printed upon the map with opaque ink. If ink is used on polyester-base vellum, the ink surface shall be coated with a suitable substance to assure permanent legibility;

2. The size of each sheet shall be eighteen by twenty-six inches. A marginal line shall be drawn completely around each sheet, leaving a completely blank margin of one inch. The scale of the map shall be large enough to show all details clearly, but not less than one hundred feet to the inch, and enough sheets shall be used to accomplish this end. The particular number of the sheet and the total number of sheets comprising the map shall be stated on the lower right-hand corner of each sheet and its relation to each adjoining sheet shall be clearly shown;

3. Each parcel shall be numbered or otherwise designated;

4. The exterior boundary of the land included within the subdivision shall be indicated by distinctive symbols and clearly so designated;

5. The map shall show the location of each parcel and its relation to surrounding surveys. The location of any remainder of the original parcel shall be shown, but need not be shown as a matter of survey, but only by reference to the existing record boundaries if such remainder has a gross area of five acres or more;

6. Subject to the provisions of the Subdivision Map Act and this chapter, a certificate is required, signed and acknowledged by all parties having a record title interest in real property to be subdivided, consenting to the preparation and recordation of the parcel map;

7. The city engineer may require that a parcel map shall satisfy any additional requirements for final maps as provided therefor by the Subdivision Map Act and this title;

8. The map shall show all dedications and offers of dedication. The city engineer may require that such dedications or offers of dedication be made by deed in lieu of or in addition to appearing on the parcel map and, when made by separate instrument, they shall be recorded concurrently with or prior to the parcel map being filed for record and

shall be signed by the same parties and in the same manner as set forth for dedications by a final map, as provided in the Subdivision Map Act and this title;

9. In all cases, the parcel map shall be based on a field survey in conformity with the Land Surveyors Act.

B. Any subdivision of the same land shall require the filing of a new map. (Ord. 82-1 §1(part), 1982: prior code §9-7(B))

16.20.050 Submittals required. The subdivider shall submit to the city engineer the original tracing(s), duplicate print(s) on linen, duplicate tracing(s), and a set of print(s) of the parcel map, the improvement plans, if applicable, in which case the subdivider shall submit the original tracings or duplicate tracings and three sets of prints. At the same time, the subdivider shall submit the plan checking fee, filing report, current preliminary title report, and a letter of clear title (from a title company), and the recording fee to the city engineer for certification of the parcel map. At the same time, the subdivider shall submit, if applicable, the subdivision improvement bonds, agreements, and instruments of conveyance. All outstanding bonded indebtedness upon the land shall be paid off prior to the parcel map being filed. The subdivision agreement shall be as given in the sample format in Chapter 16.24. (Ord. 82-1 §1(part), 1982: prior code §9-7(C)(part))

16.20.060 Approval and recordation. If the parcel map is in compliance with the Subdivision Map Act, local ordinances, and this title, and if the conditions of approval have been met, the council shall, at its next regular meeting, or within a period of ten days after such submission, whichever is later, approve the map. Upon the approval of the parcel map, the city clerk shall submit the map for recordation in the same manner as provided for final maps, set forth in Chapter 16.24 of this title. (Ord. 83-02 §1, 1983: Ord. 82-1 §1(part), 1982: prior code §9-7(C)(part))

Chapter 16.24

FINAL MAP

Sections:

- 16.24.010 Conformance with provisions.
- 16.24.020 Preparation.
- 16.24.030 Form and contents.
- 16.24.040 Filing.
- 16.24.050 Agreement form.
- 16.24.060 Examination.
- 16.24.070 Approval and recordation.

16.24.010 Conformance with provisions. Following approval or conditional approval of a tentative or vesting tentative map, and prior to the expiration of tentative or vesting tentative map approval, the subdivider may cause the preparation of a final map, which shall be in substantial conformance with the tentative or vesting tentative map as approved or conditionally approved. (Ord. 86-07 §8, 1986: Ord. 82-1 §1(part), 1982: prior code §9-8(A)(1))

16.24.020 Preparation. Every final map shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor of the state, and shall be based upon a survey, and shall conform to all the requirements of the Subdivision Map Act and this chapter. (Ord. 82-1 §1(part), 1982: prior code §9-8(A)(2))

16.24.030 Form and contents. A. The final map shall be legibly drawn, printed, or reproduced by a process guaranteeing a permanent record in black on tracing cloth or polyester-base vellum having matte on both surfaces. Certificates, affidavits, and acknowledgements may be legibly stamped or printed on the map with opaque ink. If ink is used on a polyester-base vellum, the ink surface shall be coated with a suitable substance to assure permanent legibility.

B. The size of each sheet shall be eighteen by twenty-six inches. A margin line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch. The particular number of the sheet and the total number of sheets comprising the map shall be stated at the lower righthand corner of each sheet, and its relation to each adjoining sheet shall be clearly shown. The final map shall be drawn to an engineer's scale of one inch to one hundred feet or less.

C. All survey and mathematical information and data necessary to locate all monuments and to locate and retrace any and all interior and exterior boundary lines appearing thereon shall be shown, including bearings and distances, radii and arc length or chord bearings, and lengths for all curves, and such information as may be necessary to determine the location of the centers of curves and ties to monuments used to establish the subdivision boundaries, streets, and lots.

D. Each parcel shall be numbered and each block may be numbered or lettered. Each street and public way shall be named.

E. The exterior boundary of the land included within the subdivision shall be indicated by distinctive symbols and clearly so designated. The map shall show the definite location of the subdivision and particularly its relation to surrounding surveys.

F. When a soils report has been prepared, this fact shall be noted on the final map, together with the date of the report and the name of the engineer making the report. (Ord. 82-1 §1(part), 1982: prior code §9-8(B))

16.24.040 Filing. The subdivider shall submit to the city engineer the original tracing(s), duplicate print(s) on linen, duplicate tracing(s), and a set of prints of the final map, and the approved improvement plans, if applicable, in which case the subdivider shall submit the original tracings or duplicate tracings and three sets of prints. At the same time, the subdivider shall submit the checking fee, filing report, current preliminary title report with letter or certificate of clear title (from the title company) to the city engineer for certification of the final map. At the same time, the subdivider shall submit, if applicable, the subdivision improvement bonds, agreements, and instruments of conveyance. All outstanding bonded indebtedness upon the land shall be paid off prior to the final map being filed. (Ord. 82-1 §1(part), 1982: prior code §9-8(C))

16.24.050 Agreement form. The sample format of the subdivision agreement is as follows:

SUBDIVISION AGREEMENT

(Government Code Sec. 66424 Subdivision: _____
 Sec. 66462 Subdivider: _____)

Effective Date: _____
 Completion Period: _____

1. PARTIES AND DATE

Effective on the above date, CITY OF HUGHSON, County of Stanislaus, State of California, hereinafter called "CITY" and the above named (name of subdivider), hereinafter called "SUBDIVIDER", mutually promise and agree as follows, concerning this subdivision:

2. IMPROVEMENTS:

Subdivider shall construct, install, and complete road and street improvements, drainage, sanitary sewer and water systems, street signs, fire hydrants and utilities, and all improvements on and offsite as required by City Ordinance, Code, Resolution, and conditions of approval, and all improvements required in the improvement plans of this subdivision as reviewed and on file in the City's Public Works Department and as required by the City Engineer.

Subdivider shall complete this work and improvements (hereinafter called "work") within _____ days from date hereof as required by the California Subdivision Map Act (Government Code Sec. 66410 and following), in a good, workmanlike manner, in accordance with accepted construction practices and in a manner equal or superior to the requirements of City Ordinance Code, Standards and Specifications and conditions of approval made thereunder; and where there is a conflict between the improvement plans and said Code, Standards, Specifications and conditions of approval made thereunder, the stricter requirements shall govern.

3. GUARANTEE:

Subdivider guarantees that the work is and will be free from defects and will perform satisfactorily; and he shall so guarantee it for one year after its completion and acceptance against any defective workmanship or materials or any unsatisfactory performance.

4. IMPROVEMENT SECURITY

Upon executing this agreement, Subdivider shall, pursuant to Government Code Section 66499, deposit as security with the City:

A. For Performance and Guarantee:

\$ _____ cash, plus additional security, in the amount of \$ _____, which together total the estimated cost of the work. Such additional security is presented in the form of:

\$ _____ Cash, certified check, or cashier's check
 \$ _____ Acceptable corporate surety bond
 \$ _____ Acceptable irrevocable letter of credit

With this security the Subdivider guarantees his performance of this Agreement and of the work for one year after completion and acceptance thereof against any defective workmanship or materials or any unsatisfactory performance. Upon completion and acceptance of all work, Subdivider may request reduction of the amount of this bond to not less than 15% of the estimated cost of the improvement.

B. For Payment

Security in the amount of \$_____, which is the estimated cost of the work. Such security is presented in the form of:

\$_____ Cash, certified check, or cashier's check
 \$_____ Acceptable corporate surety bond
 \$_____ Acceptable irrevocable letter of credit

With this security the Subdivider guarantees payment to the contractor, to his subcontractors, and to persons renting equipment or furnishing labor or materials to them or to the Subdivider.

5. WARRANTY:

Subdivider warrants that said improvement plans are adequate to accomplish this work as promised in Section 2; and if, at any time before the City's Resolution of Completion for the subdivision, said improvement plans prove to be inadequate in any respect, Subdivider shall make changes necessary to accomplish the work as promised.

6. NO WAIVER BY CITY:

Inspection of the work and/or materials, or approval of work and/or materials inspected, or statement by any officer, agent, or employee of the City indicating the work or any part thereof complies with the requirements of this Agreement, or acceptance of the whole or any part of said work and/or materials, or payments therefor, or any combination or all of these acts, shall not relieve the Subdivider of his obligation to fulfill this contract as prescribed; nor shall the City be thereby estopped from bringing any action for damages arising from the failure to comply with any of the terms and conditions hereof.

7. INDEMNITY:

Subdivider shall hold harmless and indemnify the indemnitees from the liabilities as defined in this section:

A. The indemnitees benefited and protected by this promise are the City, and its elective and appointive boards, commissions, officers, agents, and employees.

B. The liabilities protected against are any liability or claim for damage of any kind allegedly suffered, incurred or threatened because of actions defined below, and including personal injury, death, property damage, inverse condemnation, or any combination of these, and regardless of whether or not such liability, claim or damage was unforeseeable at any time before the City reviewed said improvement plans or accepted the work as completed and including the defense of any suit(s), action(s) or other proceeding(s) concerning these.

C. The actions causing liability are any act or omission (negligent or non-negligent) in connection with the matters covered by this Agreement and attributable to the Subdivider, contractor, subcontractor or any officer, agent, or employee of one or more of them.

D. Non-conditions: The promise and agreement in this section is not conditioned or dependent on whether or not any Indemnatee has prepared, supplied, or reviewed any plan(s) or specification(s) in connection with this work or subdivision, or has insurance or other indemnification covering any of these matters, or that the alleged damage resulted partly from any negligent or willful misconduct of any Indemnatee.

8. COSTS

Subdivider shall pay when due, all the costs of the work, including inspections thereof and relocating existing utilities required hereby.

9. SURVEYS:

Subdivider shall set and establish survey monuments in accordance with the filed map and to the satisfaction of the City.

10. NONPERFORMANCE AND COSTS:

If Subdivider fails to complete the work within the time specified in this Agreement or extensions granted, City may proceed to complete them by contract, or otherwise, and Subdivider shall pay the costs and charges therefor immediately upon demand. If City sues to compel performance of this Agreement or recover the cost of completing the work, Subdivider shall pay all reasonable attorney's fees, costs of suit, and all other expenses of litigation incurred by City in connection therewith.

11. RECORD MAP

In consideration hereof, City shall allow Subdivider to file and record the Final Map or Parcel Map for said subdivision.

(Name of Company or Partnership)

SUBDIVIDER (See Note Below)

By (Authorized Person or Agent)
(Title)

By (Authorizing Person or Agent)
(Title)

APPROVED AS TO FORM

By _____
City Attorney

RECOMMENDED FOR APPROVAL

By _____
City Engineer

CITY OF HUGHSON

By _____
City Administrator

Note to Subdivider:
Execute acknowledge-
ment below and if a
corporation, affix
Seal to Agreement.

STATE OF CALIFORNIA)
) ss.
COUNTY OF _____)

On _____, the person(s) whose name(s) is/are signed above for Subdivider and who is/are known to me to be the individual(s) and officer(s) or partner(s) as stated above who signed this instrument, personally appeared before me and acknowledged to me that _____ he _____ executed it and that the corporation or partnership named above executed it.

(SEAL)

NOTARY PUBLIC in and for
said County and State

(Ord. 82-1 §1(part), 1982: prior code §9-8(D) (part))

16.24.060 Examination. The city engineer shall examine the final map and required documents submitted. If he determines that the surveys are correct and that such map is technically correct and substantially conforms to the approve tentative map and the required documents submitted are in order, he shall so certify on such map and present the same to the city council for approval action. If he shall find that full conformity has not been made, he shall so advise the subdivider and afford him an opportunity to make the necessary change. (Ord. 82-1 §1(part), 1982: prior code §9-8(D) (part))

16.24.070 Approval and recordation. Upon the presentation of the final map, the council shall, at its next regular meeting, or within a period of ten days after such submission, whichever is later, approve the map if it conforms to all the requirements of law and the provisions of this chapter. The council shall, at the time of its action thereon, accept or reject any and all offers of dedication of streets, and other easements. Upon the approval of any final or parcel map, the city clerk shall forthwith submit the map to the clerk of the county with instructions to the county recorder to record said map. (Ord. 82-1 §1(part), 1982: prior code §9-8(E))

Chapter 16.28

DEVELOPMENT

Sections:

- 16.28.010 General requirements.
- 16.28.020 Improvement plan--Preparation.
- 16.28.030 Improvement plan--Form and content.
- 16.28.040 Soils report--Generally.
- 16.28.050 Soils report--Certification.
- 16.28.060 Document filing.
- 16.28.070 Copies required.
- 16.28.080 Approval.
- 16.28.090 Start of work.
- 16.28.100 Permit required.
- 16.28.110 Site development agreement.

16.28.010 General requirements. Following approval of a tentative or vesting tentative map, and prior to the submission of any final map or parcel map therefor, the subdivider/developer shall have prepared and submitted complete sets of improved plans and cost estimates for the improvement(s) required. The approval of said plans by the planning officer and the city engineer, when improvements are

required, shall be a prerequisite to the approval of the final map or parcel map by the city council, and in the case of a site development only, shall be prerequisite to issuance of any building permit. (Ord. 86-07 §9, 1986: Ord. 82-1 §1(part), 1982: prior code §9-9(A)(1))

16.28.020 Improvement plan--Preparation. The improvement plans shall be prepared by or under the direction of a civil engineer licensed by the state and shall show the complete plans, profiles, and details for all streets and appurtenances, storm drainage, water systems and fire hydrants, sewers, utilities, grading and all other improvements proposed or necessary, on-site and off-site. (Ord. 82-1 §1(part), 1982: prior code §9-9(A)(2))

16.28.030 Improvement plan--Form and content. A. Plans and profiles shall be submitted on uniform size sheets twenty-four by thirty-six inches in overall dimension. A border shall be provided of one-and-one-half inches along the twenty-four inch left-hand side of the sheet, and a one-half inch border on the other three sides, with a title block on the lower right side to clearly identify the nature of the plan. The scales for various portions of the drawings and the north point, where applicable, shall be shown on all sheets.

B. References may be made to applicable city standard details and plans, in lieu of duplicating the drawings thereof. Plans shall be drawn to professional drafting standards and to appropriate scales to clearly show intent without crowding or possibility of misinterpretation. All plans, lettering, and details shall be drafted at sufficient scale to permit full legibility when photographically reduced to one-half original drawing size.

C. If the plans include three or more sheets, a key map, at one inch equals three hundred feet or one inch equals six hundred feet scale, showing streets and street names, lots and lot numbers, and the area thereof covered by each sheet of the plans, shall be included on the first sheet of the plans.

D. Plans shall show complete plan, profile, and detail for all street work, sanitary sewer systems, water supply and distribution systems, including valves and fire hydrants, storm drainage conduits, inlets, channels, and structures; retaining walls, earthworks, bridges, and location of underground and aerial utilities, appurtenances, and structures which may affect or be affected by the horizontal and vertical location of other facilities; street monuments, curbs, gutters, sidewalks, landscaping; fences, gates, and driveways, and paths in conjunction with subdivision improvements; and any and all other improvements which may be required to complete the work and coordinate the process of construction.

E. The city engineer may require cross-sections, taken at intervals, locations, and to a scale as determined by him, to be submitted with the improvement plans, accurately showing original ground and finished grades throughout the full width of the improvement area and beyond as he deems necessary, on-site or off-site.

F. All storm drainage, sanitary sewer, water, and street systems shall be designed and sized to accommodate such additional flows, volumes, or loads as may be distributed by the existing or future development of lands adjacent to or beyond the limits of the subdivision or site development.

G. At the time of submittal for checking, plans shall be accompanied by a complete bond estimate for all public improvements, engineering calculations for storm drainage and sanitary sewerage systems, water systems, and for any other facilities or structures deemed necessary by the city engineer to evaluate and check the improvement plans. Said bond shall bear the signature and seal of the engineer who personally prepared and supervised the preparation thereof. (Ord. 82-1 §1(part), 1982: prior code §9-9(B))

16.28.040 Soils report--Generally. A. A preliminary soils report, prepared by a civil engineer, registered in this state, and based upon adequate test borings and submitted at the time of improvement plan submission, shall be required by this chapter, and may be required, as determined by the city engineer, for subdivisions for which a parcel or final map are required.

B. If the preliminary soils report indicates the presence of critically expansive soils or other soil problems which, if not corrected, could lead to structural defects, a full soils investigation and report for all or any portion of the subdivision may be required. Such soils investigation shall be done by a civil engineer, registered in this state, who shall recommend the corrective action which is likely to prevent structural damage to all structures proposed in the area where such soils and soil-related problems exist.

C. The council may approve the parcel or final map for subdivision, or portion thereof, where such soils problems exist if it finds, upon recommendations of the city engineer, that he recommended action is likely to prevent structural damage to each structure to be constructed and, as a condition of the issuance of any building permit, may require that the approved recommended action be incorporated in the construction of each structure. (Ord 82-1 §1(part), 1982: prior code §9-9(C)(1))

16.28.050 Soils report--Certification. Where a preliminary soils report, soils report, or geological report has been required for a subdivision, the grading plans or

development plans which provide the design for earthwork therefor shall bear the signature of the soils engineer who has performed the investigation; and the as-built plans shall bear his certification that the work was performed in accordance with those plans. (Ord. 82-1 §1(part), 1982: prior code §9-9(C)(2))

16.28.060 Document filing. The subdivider/developer shall submit two complete sets of prints of the improvement plans to the city engineer for review, and said plan submittal shall be accompanied by the plan-checking fee in accordance with the current fee schedule of the city. The city engineer shall expeditiously review the plans and return one set to the subdivider/developer's engineer with the required revisions, if any, marked thereon. (Ord. 82-1 §1(part), 1982: prior code §9-9(D)(1))

16.28.070 Copies required. When the plans are found to be complete and satisfactory to the city engineer, the subdivider/developer shall submit three complete sets of prints and one complete set of transparent vellums thereof for use by the city engineer, and the prints shall at the time be accompanied by any additional number of complete sets of prints the subdivider/developer, his engineer and contractors may require, to be noted as approved by the city engineer. (Ord. 82-1 §1(part), 1982: prior code §9-9(D)(2))

16.28.080 Approval. The improvement plans shall have been approved by the city engineer prior to submission of the final map to the council for approval. (Ord. 82-1 §1(part), 1982: prior code §9-9(D)(3))

16.28.090 Start of work. No work shall be started unless authorized by the city. (Ord. 82-1 §1(part), 1982: prior code §9-9(D)(4))

16.28.100 Permit required. The subdivider/developer shall not commence construction on any portion of improvements prior to the issuance of an encroachment permit and payment of construction inspection fees, and the city public works department shall be notified at least twenty-four hours in advance of commencement of any portion of the work. (Ord. 82-1 §1(part), 1982: prior code §9-9(D)(5))

16.28.110 Site development agreement. In the case of a site development where no subdivision agreement is required, the planning officer shall require as a prerequisite to the issuance of a building permit, the execution of a site development agreement. The site development agreement shall be in the format of the sample subdivision agreement set forth in Section 16.24.050, modified as appropriate for the individual site development, and shall

require the developer, at a minimum, to construct, install, and complete specified improvements, provide guarantees, provide security for performance, and provide warranties. (Ord. 82-1 §1(part), 1982: prior code §9-9(E))

Chapter 16.32

STREET DEDICATION

Sections:

16.32.010 Required.

16.32.010 Required. As a condition of approval of a map or the approval of any site development plan, the subdivider/developer shall dedicate or make an irrevocable offer of dedication of all parcels or land within the subdivision or site that are needed for streets, alleys, including access rights, and abutter's rights, drainage, local transit facilities, bikeways, public utility easements, and other public easements as required. In addition, the subdivider/developer shall install, or agree to install, all on-site and off-site public and private street improvements, bikeways, local transit facilities, drainage facilities, utilities, and fences, mailboxes, and other facilities as required. (Ord. 82-1 §1(part), 1982: prior code §9-10)

Chapter 16.36

PARKLAND DEDICATION AND IN-LIEU FEES

Sections:

- 16.36.010 Purpose.
- 16.36.020 Requirements.
- 16.36.030 General standards.
- 16.36.040 Dedication of land.
- 16.36.050 Fees in lieu of land dedication.
- 16.36.060 Criteria for requiring both dedication and fee.
- 16.36.070 Amount of fee in lieu of land dedication.
- 16.36.080 Determination of fair market value.
- 16.36.090 Determination of land or fee.
- 16.36.100 Credit for improvements and private open space.

- 16.36.110 Procedure.
- 16.36.120 Disposition of fees.
- 16.36.130 Schedule of use.
- 16.36.140 Exemptions.
- 16.36.150 Access.
- 16.36.160 Sale of dedicated land.

16.36.010 Purpose. This chapter is enacted pursuant to the authority granted by the Subdivision Map Act and the general police power of the city and is for the purpose of providing such additional park and recreational facilities and open space as appropriate pursuant to the general plan of the city. The park and recreational facilities for which dedication of land and/or payment of a fee is required by this chapter are in accordance with the policies, principles and standards for park and recreational facilities contained in the general plan.

For the purpose of this chapter, "park or recreational purposes" includes land and facilities for the activity of "recreational community gardening," which activity consists of the cultivation by persons other than, or in addition to, the owner of such land, of plant material not for sale. (Ord. 87-04 §1(part), 1987)

16.36.020 Requirements. As a condition of approval of a tentative map, the subdivider shall dedicate land, pay a fee in lieu thereof, or both, at the option of the city council, for park or recreational purposes at the time and according to the standards and formulas contained in this chapter. The land dedicated or the fees paid, or both, shall be used for community and neighborhood parks and recreational facilities in such a manner that the locations of such facilities bear a reasonable relationship to the use of these facilities by the future inhabitants of the subdivision generating such dedication or fees, or both. (Ord. 87-04 §1(part), 1987)

16.36.030 General standards. It is found and determined as follows:

A. The public interest, convenience, health, safety, and welfare require that three acres of property for each one thousand persons residing within the city be devoted to park or recreational purposes.

B. The average number of persons per type of dwelling unit within the city disclosed by the most recent available federal census or a census taken pursuant to Chapter 17 (commencing with §40200) of Part 2 of Division 3 of Title 4 of the Government Code area are as follows:

<u>Type of Dwelling Unit</u>	<u>Average Number of Persons Per Dwelling Unit</u>
Single-family dwelling	3.08
Duplex to fourplex	4.33
Apartments	3.38
Mobilehomes	2.16

For the purposes of this chapter, the types of dwelling units listed in this subsection are defined as follows:

1. "Single-family" means a detached or attached building for one family. "Detached" means a one-family house having open space on all four sides. A one-family house is detached even though it has an adjoining shed or garage. A one-family house which contains a business is also detached if the building has open space on all four sides. "Attached" means a one-family house having one or more walls extending from foundation to roof which divide it from other adjoining structures and forms a property line. Attached housing is sometimes called "row houses," "half-plexes," "townhouses," or "double houses." Attached housing has no common heating system or interstructural public utilities.

2. "Duplex to fourplex" means buildings containing two to four housing units which may be one above the other or side by side. They may share a heating system and have interstructural public utilities such as water supply or sewage disposal.

3. "Apartments" means buildings containing five or more housing units. They may share a heating system and have interstructural public utilities such as water supply or sewage disposal.

4. "Mobilehomes" means transportable structures built on a chassis for future movement and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities and intended for occupancy by one family. No such structure shall be deemed to be a mobilehome if it is less than eight feet in width and less than thirty-two feet in length when assembled for use as a dwelling. (Ord. 87-04 §1(part), 1987)

16.36.040 Dedication of land. A. Where a park or recreational facility has been designated in the general plan and is to be located in whole or in part within the proposed subdivision and is reasonably related to serving the present and future needs of the residents of the subdivision, the subdivider shall dedicate land for park or recreational purposes sufficient in size and topography to meet such needs. The amount of land to be provided shall be determined pursuant to the following formula and table:

1. Formula. The formula for determining the amount of land to be dedicated shall be as follows:

$$\text{.003 acres per person}^* \times \text{Average number of persons per type of dwelling unit} = \text{Minimum number of acres of parkland per dwelling unit}$$

* (Based on standard of three acres per one thousand persons population)

2. Table. The parkland dedication table, based on the formula in subdivision 1 of this subsection, is as follows:

Parkland Dedication Table

<u>Type of Dwelling Unit</u>	<u>Average No. Persons per Dwelling Unit</u>	<u>Acres per Dwelling Unit</u>
Single-family	3.08	.009
Duplex to fourplex	4.33	.013
Apartments	3.38	.010
Mobilehomes	2.16	.006

B. Dedication of land pursuant to this section shall be made in accordance with the procedure contained in Section 16.36.110.

C. For the purposes of this section, the number of new dwelling units shall be determined as follows:

1. In areas of the subdivision zoned for one dwelling unit per parcel, the number of new dwelling units in the area so zoned shall equal the number of parcels indicated on the tentative map.

2. In areas of the subdivision zoned for multiple dwelling units per parcel, the number of new dwelling units in the area so zoned shall equal the maximum number of dwelling units allowed under that zone.

3. For residential condominium units, the number of dwelling units shall equal the number of condominium units indicated on the tentative map.

4. For planned development projects, the number of new dwelling units shall equal the number of dwelling units indicated on the approved final development plan.

The term "new dwelling unit" shall not include dwelling units lawfully in place prior to the date on which the tentative map is approved.

D. The subdivider shall, without credit, provide the following improvements:

1. Full street improvements and utility connections including, but not limited to, curbs, gutters, street

paving, traffic-control devices, street trees and sidewalks to land which is dedicated pursuant to this section;

2. Fencing along the property line of that portion of the subdivision contiguous to the dedicated land;
3. Improved drainage through the site; and
4. Other minimal improvements which the city council determines to be essential to the acceptance of the land for park or recreational purposes.

E. Land to be dedicated and improvements to be made pursuant to this section shall be approved by the director of public works. Land to be dedicated shall be suitable, in the opinion of the director of public works, in location, topography, environmental characteristics, and development potential as related to the intended use. The primary intent of this section shall be construed to provide the land for functional recreation units of local or neighborhood service, including but not limited to, tot lots, play lots, playgrounds, neighborhood parks, playfields, community or district parks, and other specialized recreational facilities that may serve the family group and also senior citizen activities. Principal consideration shall be given to lands that offer:

1. A variety of recreational potential for all age groups;
2. Recreational opportunities within walking distance from residents' homes;
3. Possibility for expansion or connection with schoolgrounds;
4. Integration with hiking, riding and bicycle trails, natural stream reserves and other open space;
5. Coordination with all other park systems; and
6. Access to at least one existing or proposed public street.

F. Notwithstanding any other provision of this section, no dedication of land shall be required for proposed subdivisions containing fifty parcels or less; only the payment of fees shall be required pursuant to Section 16.36.050; provided, however, that when a condominium project, stock cooperative, or community apartment project exceeds fifty dwelling units, dedication of land shall be required notwithstanding that the number of parcels is fifty or less. (Ord. 87-04 §1(part), 1987)

16.36.050 Fees in lieu of land dedication. A. If the proposed subdivision contains more than fifty parcels, or it is a condominium project, stock cooperative, or community apartment project exceeding fifty dwelling units, and there is no park or recreational facility designated in the general plan to be located in whole or in part within the proposed subdivision to serve the immediate and future needs of

the residents of the subdivision, the subdivider shall, in the city council's discretion, either dedicate land in the amount provided in Section 16.36.040 of this chapter, or pay a fee in lieu of dedication equal to the land value, plus twenty percent toward costs of off-site improvements, prescribed for dedication in Section 16.36.040 and in an amount determined pursuant to Section 16.36.070 of this chapter. For the purposes of this section, "off-site improvements" are defined as those improvements which would have been required if land had been dedicated using the provisions of Section 16.36.040 of this chapter.

B. If the proposed subdivision contains fifty parcels or less, or it is a condominium project, stock cooperative, or community apartment project having fifty or less dwelling units, the subdivider shall pay a fee equal to the land value, plus twenty percent toward costs of off-site improvements, of the portion of the park or recreational facilities required to serve the needs of residents of the proposed subdivision as prescribed in Section 16.36.040 and in an amount determined pursuant to Section 16.36.070 of this chapter. However, nothing in this section shall prohibit the dedication and acceptance of land for park or recreational purposes in subdivisions of fifty parcels or less, or condominium projects, stock cooperatives, or community apartment projects having fifty or less dwelling units, where the subdivider proposes such dedication voluntarily and the land is acceptable to the director of public works as prescribed in Section 16.36.040.

C. The fees collected under this chapter shall be used in accordance with the schedule developed pursuant to Section 16.36.130 of this chapter solely for the purpose of developing new or rehabilitating existing neighborhood or community park or recreational facilities reasonably related to serving the subdivision, including the purchase of necessary land and/or improvement of such land for park or recreational purposes. (Ord. 87-04 §1(part), 1987)

16.36.060 Criteria for requiring both dedication and fee. In subdivisions of more than fifty parcels, or condominium projects, stock cooperatives, or community apartment projects exceeding fifty dwelling units, the subdivider shall both dedicate land and pay a fee in lieu of dedication in accordance with the following:

A. When only a portion of the land to be subdivided is proposed in the general plan as the site for a park or recreational facility, such portion shall be dedicated for park or recreational purposes as provided in Section 16.36.040, and a fee computed pursuant to Section 16.36.070 of this chapter shall be paid in an amount equal to the value of the land, plus twenty percent toward costs of off-site improvements, which would otherwise have been required to be dedicated pursuant to Section 16.36.040.

B. When a major part of a park or recreational site has already been acquired by the city and only a small portion of land is needed from the subdivision to complete the site, such portion shall be dedicated as provided in Section 16.36.040, and a fee computed pursuant to Section 16.36.070 of this chapter shall be paid in an amount equal to the value of the land, plus twenty percent toward costs of off-site improvements, which would otherwise have been required to be dedicated pursuant to Section 16.36.040. Such fees shall be used for the improvement of the existing park or recreational facility or for the improvement of other neighborhood or community parks and recreational facilities reasonably related to serving the subdivision. (Ord. 87-04 §1(part), 1987)

16.36.070 Amount of fee in lieu of land dedication. When a fee is to be paid in lieu of land dedication, the amount of such fee shall be based upon the estimated fair market value at the time of final map approval of the land which would otherwise be required for dedication pursuant to Section 16.36.040 of this chapter, plus twenty percent toward costs of off-site improvements. Fees to be collected pursuant to this section shall be approved by the director of public works. (Ord. 87-04 §1(part), 1987)

16.36.080 Determination of fair market value. The fair market value of land shall be determined by the city with a written appraisal prepared and signed by a qualified real estate appraiser acceptable to the city. The appraisal shall be made immediately prior to the filing of the final map or the parcel map. The subdivider shall notify the city of the expected filing date at least six weeks prior to the filing of the final map or parcel map. If more than one year elapses between the preparation of the appraisal and the filing of the final map or parcel map, the city shall cause a new appraisal to be prepared. All costs associated with obtaining the appraisal and the reappraisal, if necessary, shall be borne by the subdivider. For the purposes of determining fair market value pursuant to this section, the appraiser shall consider but not be limited to the following:

- A. Conditions of approval of the tentative map;
 - B. General plan and zoning requirements for the area;
 - C. Location and site characteristics of the property;
- and
- D. Off-site and on-site improvements necessary to facilitate use of the property.

If the subdivider objects to the determined fair market value, he may appeal to the city council who shall hear the appeal under the same rules and obligations current for

local board of equalization hearings, except that the burden of proof shall lie with the subdivider. (Ord. 87-04 §1(part), 1987)

16.36.090 Determination of land or fee. Whether the city council accepts land dedication or elects to require the payment of a fee in lieu thereof, or a combination of both, shall be determined by consideration of the following:

- A. Policies, standards, and principles for park and recreation facilities in the general plan;
 - B. Topography, geology, access, and location of land in the subdivision available for dedication;
 - C. Size and shape of the subdivision and land available for dedication;
 - D. Feasibility of dedication;
 - E. Compatibility of dedication with the general plan;
- and

F. Availability of previously acquired park property. The determination of the city council as to whether land shall be dedicated, or whether a fee shall be charged, or a combination thereof, shall be final and conclusive. (Ord. 87-04 §1(part), 1987)

16.36.100 Credit for improvements and private open space. If the subdivider provides park or recreational improvements to the dedicated land, the value of the improvements together with any equipment located thereon shall be a credit against the payment of fees or dedication of land required by this chapter.

No credit shall be given for private open space in any subdivision, except as provided in this section. Where private open space usable for active recreational purposes is provided for within any proposed planned development, real estate development, stock cooperative, or community apartment project, as defined in Sections 11003, 11003.1, 11003.2, 11003.4, and 11004, respectively, of the Business and Professions Code, or within any proposed condominium project, as defined in Section 783 of the Civil Code, partial credit, not to exceed fifty percent, shall be given for the value of such private open space against the amount of land required to be dedicated, or the amount of the fees imposed in lieu thereof, if the city council finds and determines that it is in the public interest to do so and that all of the following standards are met:

A. Yards, court areas, setbacks, and other open areas required by the zoning and building ordinances and regulations shall not be included in the computation of such private open space.

B. Private park and recreational facilities shall be owned by a homeowners association which is composed of all property owners in the subdivision, is an incorporated

nonprofit organization capable of dissolution only by a one-hundred-percent affirmative vote of the membership, operates under recorded land agreements through which each lot owner in the neighborhood is automatically a member, and assesses each lot a charge for a proportionate share of expenses for maintaining the facilities.

C. Use of the private open space is restricted for park and recreation purposes by a recorded covenant which runs with the land in favor of the future owners of the property and which cannot be defeated or eliminated without the consent of the city or its successor.

D. The proposed private open space is reasonably adaptable for use for park or recreational purposes, taking into consideration such factors as size, shape, topography, geology, access, and location.

E. Facilities proposed for the open space are in substantial accordance with the provisions of the general plan.

F. The open space for which credit is given is generally a minimum of three acres and provides all of the local park basic elements listed below, or a combination of such other recreational improvements that will meet the specific recreational needs of future residents of the area:

1. Recreational open spaces, which are generally defined as park areas for active recreational pursuits such as soccer, golf, baseball, softball, and football, and have at least one acre of maintained turf with less than five-percent slope;

2. Court areas, which are generally defined as tennis courts, badminton courts, shuffleboard courts, or similar hard-surfaced areas especially designed and exclusively used for court games;

3. Recreational swimming areas, which are generally defined as fenced areas devoted primarily to swimming, diving, or both. They must also include decks, lawned area, bathhouses, or other facilities developed and used exclusively for swimming and diving, and consisting of no less than fifteen square feet of water surface area for each three percent of the population of the subdivision with a minimum of eight hundred square feet of water surface area per pool together with an adjacent deck and/or lawn area twice that of the pool; and

4. Recreational buildings and facilities designed and used primarily for the recreational needs of residents of the development.

The determination of the city council as to whether credit shall be given and the amount of credit given shall be final and conclusive. (Ord. 87-04 §1(part), 1987)

16.36.110 Procedure. A. At the time of approval or conditional approval of the tentative map, the city council shall determine whether land, in-lieu fees, or a combination of land and fees, shall be dedicated and/or paid by the

subdivider. If the city council requires that payment of an in-lieu fee by the subdivider, it shall set the amount of land upon which the in-lieu fee shall be based at the time of final map or parcel map approval. If the city council requires the dedication of land by the subdivider, it shall accept, accept subject to improvement, or reject any offer of dedication at the time of final map or parcel map approval.

B. At the time of the recording of the final map or parcel map, the subdivider shall dedicate the land and/or pay the fees as determined by the city council. At the discretion of the city fees may be paid prior to issuance of any building permit for any structure in the subdivision.

C. Open space covenants, conditions, and restrictions for private park or recreational facilities shall be recorded concurrently with the final map or parcel map. (Ord. 87-04 §1(part), 1987)

16.36.120 Disposition of fees. A. Fees determined pursuant to Section 16.36.070 of this chapter shall be paid to the city treasurer and shall be deposited into the subdivision park trust fund, or its successor. Money in such fund, including accrued interest, shall be expended solely for the acquisition or development of park land or improvements related thereto in accordance with this chapter.

B. Collected fees shall be committed within five years after payment thereof or the issuance of building permits on one-half of the lots created by the subdivision, whichever occurs later. If such fees are not committed, they, without any deductions, shall be distributed and paid to the then record owners of the subdivision in the same proportion that the size of their lot bears to the total area of all lots in the subdivision.

C. The city treasurer shall report to the city council at least once annually on the income, expenditures, and status of the subdivision park trust fund. (Ord. 87-04 §1(part), 1987)

16.36.130 Schedule of use. At the time of the approval of the final map or parcel map, the city shall develop a schedule specifying how, when, and where it will use the land or fees, or both, to develop or rehabilitate park or recreational facilities to serve the residents of the subdivision. (Ord. 87-04 §1(part), 1987)

16.36.140 Exemptions. The provisions of this chapter shall not apply to any of the following:

A. Subdivisions which contain less than five parcels and are not used for residential purposes, provided a condition shall be placed on the approval of the parcel map for any such subdivision that if a building permit is requested

for construction of a residential structure or structures on one or more of the parcels within four years, the fee otherwise due pursuant to this chapter shall be required to be paid by the owner of such parcel as a condition to the issuance of such permit;

B. Commercial or industrial subdivisions; and

C. Condominium projects or stock cooperatives which consist of the subdivision of airspace in an existing apartment building which is more than five years old when no new dwelling units are added. (Ord. 87-04 §1(part), 1987)

16.36.150 Access. All land offered for dedication to park or recreational purposes shall have access to at least one existing or proposed public street. This requirement may be waived by the city council if it determines that public street access is unnecessary for the maintenance of the park or recreational area or use thereof by residents. (Ord. 87-04 §1(part), 1987)

16.36.160 Sale of dedicated land. If during the time period between the dedication of land for park or recreational purposes and the commencement of first-stage development, circumstances arise which would indicate that another site would be more suitable for serving the subdivision and the neighborhood (such as receipt of a gift of additional parkland or a change in school location), the land may be sold upon the approval of the city council with the resultant funds being used for the purchase or development of a more suitable site. (Ord. 87-04 §1(part), 1987)

Chapter 16.40

SCHOOL DEDICATION

Sections:

- 16.40.010 Generally.
- 16.40.020 Standards.
- 16.40.030 Payment.

16.40.010 Generally. As a condition of approval of a tentative or vesting tentative map, a subdivider who develops or completes the development of one or more subdivisions within the high school and/or elementary school districts serving said subdivision shall dedicate to the school district such lands as the council deems necessary, or pay prescribed fees for the purpose of constructing thereon

schools necessary to assure the residents of the subdivision adequate school service. (Ord. 86-0/ §12, 1986: Ord. 82-1 §1(part), 1982: prior code §9-12(A))

16.40.020 Standards. The requirement of dedication shall be imposed at the time of approval of the tentative or vesting tentative map. If, within thirty days after the requirement of dedication is imposed by the city, the high school or elementary school districts do not offer to enter into a binding commitment with the subdivider to accept the dedication, the requirement shall be automatically terminated. The required dedication may be made any time before, concurrently with, or up to sixty days after the filing of the final map on any portion of the subdivision. (Ord. 86-07 §13, 1986: Ord. 82-1 §1(part), 1982: prior code §9-12(B))

16.40.030 Payment. The high school or elementary school district shall, if it accepts the dedication, repay to the subdivider or his successors the original cost to the subdivider of the dedicated land, plus a sum equal to the total of the following amounts:

A. The cost of any improvements to the dedicated lands since acquisition by the subdivider;

B. The taxes assessed against the dedicated land from the date of the school district's offer to enter into the binding commitment to accept the dedication; and

C. Any other costs incurred by the subdivider in maintenance of such dedicated land, including interest costs incurred on any loan covering such land. (Ord. 82-1 §1(part), 1982: prior code §9-12(C))

Chapter 16.44

COST APPORTIONMENT

Sections:

- 16.44.010 Reimbursement.
- 16.44.020 Application.
- 16.44.030 Agreement.
- 16.44.040 Collection.
- 16.44.050 Time limit.

16.44.010 Reimbursement. In the event that any subdivider/developer is required under the provisions of this title to construct or pay for the construction of improvements which will in the future benefit other subdividers/developers, the city may require such other subdividers/

developers to reimburse the original subdivider/developer for a proportionate share of the cost of such improvement. (Ord. 82-1 §1(part), 1982: prior code §9-13(A))

16.44.020 Application. The requirement for reimbursement shall be upon application of the original subdivider/developer. (Ord. 82-1 §1(part), 1982: prior code §9-13(B))

16.44.030 Agreement. The reimbursement shall be specified by appropriate provisions in the subdivision or site development agreement, which shall provide that the reimbursement shall be paid by city. (Ord. 82-1 §1(part), 1982: prior code §9-13(C))

16.44.040 Collection. The reimbursement shall be made by city to the original subdivider/developer within thirty days of collection from such other subdivider/developer, but

the city shall in no event be liable for reimbursement to the original subdivider/developer unless and until such reimbursement is collected from the other subdivider/developer. In no event shall the city be liable for failure to make such collection. (Ord. 82-1 §1(part), 1982: prior code §9-13(D))

16.44.050 Time limit. No reimbursement agreement shall be valid for more than ten years. (Ord. 82-1 §1(part), 1982: prior code §9-13(E))

Chapter 16.48

REVERSION TO ACREAGE

Sections:

- 16.48.010 Applicability of provisions.
- 16.48.020 Initiation--By owner.
- 16.48.030 Initiation--By council.
- 16.48.040 Data required.
- 16.48.050 Fees.
- 16.48.060 Hearing.
- 16.48.070 Approval.
- 16.48.080 Securities release.
- 16.48.090 Final map--Delivery.
- 16.48.100 Final map--Recordation.

16.48.010 Applicability of provisions. Subdivision properties may be reverted to acreage pursuant to provisions of this chapter. (Ord. 82-1 §1(part), 1982: prior code §9-14(A))

16.48.020 Initiation--By owner. Proceedings to revert subdivided property to acreage may be initiated by petition of all the owners of record of the property. The petition shall be in a form prescribed by the planning officer. The petition shall contain the information required by Section 99488.13 of the Government Code and such other information as required by the public works director. (Ord. 82-1 §1(part), 1982: prior code §9-14(B))

16.48.030 Initiation--By council. The city council, at the request of any person or on its own motion, may by resolution initiate proceedings to revert property to acreage. The city council shall direct the planning officer to obtain the necessary information to initiate and conduct proceedings. (Ord. 82-1 §1(part), 1982: prior code §9-14(C))

16.48.040 Data required. Petitioner shall file the following:

- A. Evidence of title to the real property; and
- B. Evidence of the consent of all of the owners of interest(s) in the property; or
- C. Evidence that none of the improvements required to be made have been made within two years from the date the final map or parcel map was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is later; or
- D. Evidence that no lots shown on the final or parcel map have been sold within five years from the date such final or parcel map was filed for record;
- E. A tentative map in the form prescribed by this title;
- F. A final map in the form prescribed by this title which delineates dedications which will not be vacated and dedications required as a condition to reversion. (Ord. 82-1 §1(part), 1982: prior code §9-14(D))

16.48.050 Fees. Petitions to revert property to acreage shall be accompanied by a fee as set forth by council resolution. If the proceedings are initiated pursuant to Section 16.48.030, the person or persons who requested the city council to initiate the proceedings shall pay the appropriate fee. Fees are not refundable. (Ord. 82-1 §1(part), 1982: prior code §9-14(E))

16.48.060 Hearing. A public hearing shall be held before the city council on all petitions for initiation of reversions to acreage. Notice of the public hearing shall be given as provided in Section 66451.3 of the Government Code. The planning officer may give such other notice as is deemed necessary or advisable. (Ord. 82-1 §1(part), 1982: prior code §9-14(F)(part))

16.48.070 Approval. The city council may approve a reversion to acreage only if it finds and records in writing that:

- A. Dedications or offers of dedication to be vacated or abandoned by the reversion to acreage are unnecessary for present or prospective public purposes; and
- B. Either:
 - 1. All owners of an interest in the real property within the subdivision have consented to reversion, or
 - 2. None of the improvements required to be made within two years from the date the final or parcel map was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is later, have been completed, or
 - 3. No lots shown on the final or parcel map were filed for record;

C. The city council may require as conditions of the reversion:

1. That the owners dedicate or offer to dedicate streets or easements,

2. The retention of all or a portion of previously paid subdivision fees, deposits, or improvement securities, if the same are necessary to accomplish any of the provisions of this title. (Ord. 82-1 §1(part), 1982: prior code §9-14(F) (part))

16.48.080 Securities release. Except as provided in Section 16.48.050, upon filing of the final map for reversion to acreage with the county recorder, all unencumbered or unutilized fees and deposits may be returned to the subdivider and all improvement securities may be released by the city council. (Ord. 82-1 §1(part), 1982: prior code §9-14(G))

16.48.090 Final map--Delivery. After the hearing before the city council and approval of the reversion, the final map shall be delivered to the county recorder and recorded forthwith. (Ord. 82-1 §1(part), 1982: prior code §9-14(H))

16.48.100 Final map--Recordation. Reversion shall be effective upon the final map being filed for record by the county recorder. Upon filing, all dedications and offers of dedication not shown on the final map for reversion shall be of no further force and effect. (Ord. 82-1 §1(part), 1982: prior code §9-14(I))

Title 17ZONINGChapters:

<u>17.04</u>	<u>General Provisions</u>
<u>17.08</u>	<u>Establishment and Designation of Zones</u>
<u>17.12</u>	<u>Rules of Construction and Definitions</u>
<u>17.16</u>	<u>Residential Land Use Table</u>
<u>17.20</u>	<u>R-A Rural Residential Zone</u>
<u>17.24</u>	<u>O-S Open Space Zone</u>
<u>17.28</u>	<u>R-1 Single-family Residential Zone</u>
<u>17.32</u>	<u>R-2 Duplex Residential Zone</u>
<u>17.36</u>	<u>R-3 Multiple-family Residential Zone</u>
<u>17.40</u>	<u>P-D Planned Development Overlay Zone</u>
<u>17.44</u>	<u>Commercial Land Use Table</u>
<u>17.48</u>	<u>C-1 Neighborhood Commercial Zone</u>
<u>17.52</u>	<u>C-2 General Commercial Zone</u>
<u>17.56</u>	<u>C-3 Service Commercial Zone</u>
<u>17.60</u>	<u>I Industrial Zone</u>
<u>17.64</u>	<u>Special Provisions</u>
<u>17.68</u>	<u>Landscaping</u>
<u>17.72</u>	<u>Off-street Parking and Loading</u>
<u>17.76</u>	<u>Exceptions and Modifications</u>
<u>17.80</u>	<u>Plan Lines</u>
<u>17.84</u>	<u>Conditional Use Permits</u>
<u>17.88</u>	<u>Variances</u>
<u>17.92</u>	<u>Amendments and Zone Changes</u>
<u>17.96</u>	<u>Administration and Enforcement</u>

Chapter 17.04GENERAL PROVISIONSSections:

17.04.010	Title of provisions.
17.04.020	Adoption.
17.04.030	Purpose.
17.04.040	Application and interpretation.
17.04.050	Content of zoning ordinance.
17.04.060	Coordination of review, decisionmaking and information.

17.04.010 Title of provisions. This title, Title 17 of the Municipal Code of the City of Hughson, shall be known as, and may be cited as, the zoning ordinance of the city of Hughson, California. (Ord. 83-05 §5(part), 1983)

17.04.020 Adoption. There is adopted, as provided in this title, a zoning ordinance for the city. The ordinance is intended to be a precise and detailed plan for the use of land based on the general plan of the city. The ordinance shall at all times be consistent with the general plan of the city. (Ord. 83-05 §5(part), 1983)

17.04.030 Purpose. The zoning ordinance is enacted to promote the public health, safety, comfort and general welfare of the city, and of the public generally, to provide a plan for the sound and orderly growth and development of the city, and to ensure social and economic stability within the various zones established by the provisions of this title. (Ord. 83-05 §5(part), 1983)

17.04.040 Application and interpretation. The provisions of this title shall apply to all land and all owners of land within the incorporated limits of the city and shall be applicable not only to private persons, agencies, and organizations but also to all public agencies and organizations to the full extent that such provisions may now or hereafter be enforceable in connection with the activities of any such public agency or organization. In their interpretation and application, the provisions of this title shall be held to be minimum requirements. No provision of this title is intended to abrogate, repeal, annul, or interfere with any existing regulations of the city, except as specifically stated herein, or deed restriction, covenant, easement, or other agreement between parties, provided that where the provisions of this title impose greater restrictions or regulations, those provisions shall control. (Ord. 83-05 §5(part), 1983)

17.04.050 Content of zoning ordinance. The zoning ordinance shall consist of the officially adopted zoning map or maps of the city designating certain districts and the regulations set forth in this title controlling the uses of land, the density of population, the uses and locations of structures, the height and bulk of structures, the open spaces about structures, the external appearance of certain uses and structures, the areas and dimensions of sites, and requiring the provisions of off-street parking, off-street loading facilities and landscaping. (Ord. 83-05 §5(part), 1983)

17.04.060 Coordination of review, decisionmaking and information. The planning officer shall be responsible for the coordination of review and decisionmaking and the provision of information regarding the status of all applications and permits for residential, commercial and industrial developments required by this title. (Ord. 84-08 §2, 1984)

Chapter 17.08ESTABLISHMENT AND DESIGNATION OF ZONESSections:

- 17.08.010 Designation of zones.
- 17.08.020 Zoning maps.
- 17.08.030 Classification of territory.
- 17.08.040 Conformance with zoning regulations.
- 17.08.050 Zoning district boundary determination.

17.08.010 Designation of zones. The zones hereby established and into which the city is divided are designated as follows:

- R-A Rural Residential/Agricultural
- O-S Open Space
- R-1 Single-family Residential
- R-2 Duplex Residential
- R-3 Multiple-family Residential
- P-D Planned Development Overlay
- C-1 Neighborhood Commercial
- C-2 General Commercial
- C-3 Service Commercial
- I Industrial

(Ord. 83-05 §5(part), 1983)

17.08.020 Zoning maps. The designations, locations, and boundaries of the zones listed in Section 17.08.010 are set forth on the officially adopted zoning map or maps of the city on file in the office of the city clerk. The zoning map or maps and all notations, references, data and other information shown thereon and this title shall together constitute the zoning ordinance. (Ord. 83-05 §5(part), 1983)

17.08.030 Classification of territory. All territory within the city shall be classified as a part of that zoning district recommended by the commission and adopted by the city council in accordance with the general plan. All territory shall retain its classification unless and until it is otherwise zoned in the manner prescribed by law. The city may prezone unincorporated territory adjoining the city for the purpose of determining the zoning that will apply to such territory in the event of subsequent annexation to the city. The procedure for such prezone shall be as prescribed in Chapter 17.92 of this title, and such prezone shall become effective upon annexation of the territory to the city. (Ord. 83-05 §5(part), 1983)

17.08.040 Conformance with zoning regulations. Except as otherwise provided in this title:

A. No building or part thereof or other structure shall be erected, altered, added to or enlarged nor shall any land, building, structure or premises be used, designated or intended to be used for any purpose, or in any manner other than is included among the uses listed in this title as permitted in the zone in which such building, land or premises is located.

B. No building or part thereof or structure shall be erected, reconstructed or structurally altered to exceed in height the limit designated in this title for the zone in which the building is located.

C. No building or part thereof or other structure shall be erected, nor shall any existing building be altered, enlarged, rebuilt, or moved into any zone, nor shall any open space be encroached upon or reduced in any manner, except in conformity to the yard, building site area, and building location regulations designated in this title for the zone in which such building or open space is located.

D. No yard or other open space, off-street parking space, garage space, or loading space provided about any building for the purpose of complying with the provisions of this title shall be considered as a yard or open space, off-street parking space, garage space, or loading space for any other building, and no yard or other open space, off-street parking space, garage space or loading space on one building site shall be considered as providing a yard or other open space, off-street parking space, garage space, or loading space for any other building site, except as otherwise provided in this title. (Ord. 83-05 §5(part), 1983)

17.08.050 Zoning district boundary determination.

Where any uncertainty exists as to the boundaries of a zoning district as shown on the zoning map, the following rules shall apply:

A. Streets or Alleys. Where a zoning boundary line is indicated as following a street or alley, the centerlines of such streets or alleys shall be construed to be the boundaries of such zones.

B. Lot Lines. Where a zoning boundary line follows or coincides approximately with a lot line or a property ownership line, it shall be construed as following the lot line or property ownership line.

C. Scale on Map. Where a zoning boundary line is not indicated as following a street or alley and does not follow or coincide approximately with a lot line or property ownership line, the zoning boundary line shall be determined by the use of the scale designated on the zoning map.

D. Further Zoning Boundary Uncertainties. Where further uncertainty exists, the commission, upon receiving written application or upon its own motion, shall determine the location of the zoning boundary in question giving due consideration to the location indicated on the zoning map, the objectives of the zoning ordinance, the purposes set forth in the zoning district regulations and any previous actions of the city council or the commission. (Ord. 83-05 \$5(part), 1983)

Chapter 17.12

RULES OF CONSTRUCTION AND DEFINITIONS

Sections:

17.12.010	Rules of construction.
17.12.020	Definitions generally.
17.12.030	Abut.
17.12.035	Access or accessway.
17.12.040	Accessory building.
17.12.045	Accessory use.
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17.12.055	Agent of owner.
17.12.060	Agricultural structure.
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17.12.070	Alley.
17.12.075	Amendment.
17.12.080	Apartment.
17.12.085	Apartment house.
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17.12.100	Basement.
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17.12.110	Building.
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17.12.120	Building, height of.
17.12.125	Building inspector.
17.12.130	City.
17.12.135	City council.
17.12.140	Commission.
17.12.145	Condominium.
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17.12.155	Court.
17.12.160	Day care center.
17.12.165	Density.
17.12.170	Density bonus.

17.12.175 District.
17.12.180 Dwelling.
17.12.185 Dwelling, duplex.
17.12.190 Dwelling, multiple-family.
17.12.195 Dwelling, single-family detached.
17.12.200 Dwelling unit.
17.12.205 Factory-built home.
17.12.210 Family.
17.12.215 Family day care home.
17.12.220 Floor area, gross.
17.12.225 Floor area, net.
17.12.230 Foster home.
17.12.235 Frontage.
17.12.240 Garage, patio or yard sale.
17.12.245 Garage, repair.
17.12.250 Gross acreage.
17.12.255 Guest house.
17.12.260 Home occupation.
17.12.265 Hospital.
17.12.270 Hotel or motel.
17.12.275 Junk or salvage yard.
17.12.280 Landscaping.
17.12.285 Loading space.
17.12.290 Lot.
17.12.295 Lot area.
17.12.300 Lot, corner.
17.12.305 Lot coverage.
17.12.310 Lot depth.
17.12.315 Lot, flag.
17.12.320 Lot, interior.
17.12.325 Lot, key.
17.12.330 Lot line.
17.12.335 Lot line, front.
17.12.340 Lot line, rear.
17.12.345 Lot line, side.
17.12.350 Lot, reversed corner.
17.12.355 Lot, through.
17.12.360 Lot width.
17.12.365 Manufactured home.
17.12.370 Mini-storage/warehouse facility.
17.12.375 Mobile home.
17.12.380 Mobile home park.
17.12.385 Mobile home supplemental housing.
17.12.390 Nonconforming building.
17.12.395 Nonconforming use.
17.12.400 Nursing and convalescent home.
17.12.405 Occupant load.
17.12.410 Outdoor advertising sign.
17.12.415 Outdoor advertising structure.
17.12.420 Parking area.

17.12.425 Parking space.
 17.12.430 Permitted uses.
 17.12.435 Plan lines.
 17.12.440 Planned unit development.
 17.12.442 Planning officer.
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 17.12.460 Recreational vehicle.
 17.12.465 Residential care home.
 17.12.470 Roadside stand.
 17.12.475 Second residential unit.
 17.12.480 Shelter, fallout.
 17.12.485 Stable.
 17.12.490 Story.
 17.12.495 Street.
 17.12.500 Street line.
 17.12.505 Structural alterations.
 17.12.510 Structure.
 17.12.515 Temporary tract office.
 17.12.520 Travel trailer.
 17.12.525 Travel trailer park.
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 17.12.535 Use.
 17.12.540 Use, accessory.
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 17.12.550 Use permit.
 17.12.555 Use, principal permitted.
 17.12.560 Yard.
 17.12.565 Yard, front.
 17.12.570 Yard, rear.
 17.12.575 Yard, side.
 17.12.580 Zone.

17.12.010 Rules of construction. For the purposes of this title, the following rules of construction shall apply unless inconsistent with the plain meaning of the context of the provisions of this title:

A. Words used in the present tense include the future tense.

B. Words used in the singular include the plural, and words used in the plural include the singular.

C. The word "shall" is mandatory; the word "may" is permissive.

D. The word "used" includes the words "arranged for," "designed for," "occupied or intended to be occupied for." (Ord. 83-05 §5(part), 1983)

17.12.020 Definitions generally. For the purposes of this title, certain terms and words are herewith defined to clarify their use. Where a definition is not given or where

a question of interpretation is raised, the definition shall be the normal meaning of the word within the context of its use, or as classified by the commission. (Ord. 83-05 §5 (part), 1983)

17.12.030 Abut. Two adjoining parcels of property, with a common property line, are considered in this title as one parcel abutting the other, except where two or more lots adjoin only at a corner or corners, then they shall not be considered abutting unless the common property line between the two parcels measures eight feet or more in a single direction. (Ord. 83-05 §5(part), 1983)

17.12.035 Access or accessway. "Access" or "accessway" means the place, means or way by which pedestrians and vehicles shall have safe, adequate and usable ingress to and egress from a property or use as required by this title. (Ord. 83-05 §5(part), 1983)

17.12.040 Accessory building. "Accessory building" means a detached building located on the same lot with the principal (main) building, the use of which is normally incidental and entirely secondary to that of the principal building. (Ord. 83-05 §5(part), 1983)

17.12.045 Accessory use. "Accessory use" means a use incidental, related, appropriate and clearly subordinate to the main use of the lot or building, which accessory use does not alter the principal use of the subject lot. (Ord. 83-05 §5(part), 1983)

17.12.050 Adjacent. "Adjacent" means near, close, or abutting. For example, an industrial district across the street or highway from a residential district shall be considered as "adjacent." (Ord. 83-05 §5(part), 1983)

17.12.055 Agent of owner. "Agent of owner" means any person who can show written proof that he is acting for the property owner. (Ord. 83-05 §5(part), 1983)

17.12.060 Agricultural structure. "Agricultural structure." See "structure." (Ord. 83-05 §5(part), 1983)

17.12.065 Agricultural use. "Agricultural use" means the tilling of the soil, the raising of crops, horticulture, viticulture, small livestock farming, excluding swine and turkeys, dairying, and animal husbandry, including all uses customarily incidental thereto, but not including slaughterhouses, fertilizer yards, bone yards or plants for the reduction of animal matter or any other industrial use which is similarly objectionable because of noise, odor, smoke, dust or fumes. (Ord. 83-05 §5(part), 1983)

17.12.070 Alley. "Alley" means a public or private thoroughfare generally less than thirty feet in width, which affords only a secondary means of access to abutting property. (Ord. 83-05 §5(part), 1983)

17.12.075 Amendment. "Amendment" means a change in the wording, context or substance of any provision in this title, an addition or deletion or a change in the zone district boundaries or classification upon the zoning map. (Ord. 83-05 §5(part), 1983)

17.12.080 Apartment. "Apartment." See "dwelling unit." (Ord. 83-05 §5(part), 1983)

17.12.085 Apartment house. "Apartment house." See "Dwelling, multiple-family." (Ord. 83-05 §5(part), 1983)

17.12.090 Appeal board. The city council shall be the "appeal board" for appeals from the decisions of the commission. (Ord. 83-05 §5(part), 1983)

17.12.095 Auto dismantling and wrecking establishments. "Auto dismantling and wrecking establishments" means the business of dismantling or wrecking of used motor vehicles or trailers and sale of parts. (Ord. 83-05 §5(part), 1983)

17.12.100 Basement. "Basement" means a story partly or wholly underground. See also "story." (Ord. 83-05 §5(part), 1983)

17.12.105 Boarding or rooming house. "Boarding or rooming house" means a dwelling where rooms are rented to paying guests, who may be provided with meals. The term "boardinghouse" includes "roominghouse." (Ord. 83-05 §5(part), 1983)

17.12.110 Building. "Building" means any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals or property. (Ord. 83-05 §5(part), 1983)

17.12.115 Building division. "Building division" means that agency or department designated by the building inspector to process building permits. (Ord. 83-05 §5(part), 1983)

17.12.120 Building, height of. "Height of building" means the vertical distance measured from the average curb level to the highest point of the structure, exclusive of

chimneys and ventilators; provided, however, that where buildings are set back from the street line, the height shall be measured from the average elevation of the finished grade at the front of the building. (Ord. 83-05 §5(part), 1983)

17.12.125 Building inspector. "Building inspector" means the director of public works for the city, or his designee. (Ord. 83-05 §5(part), 1983)

17.12.130 City. "City" means the city of Hughson. (Ord. 83-05 §5(part), 1983)

17.12.135 City council. "City council" means the city council of the city of Hughson. (Ord. 83-05 §5(part), 1983)

17.12.140 Commission. "Commission" means the planning commission of the city of Hughson. (Ord. 83-05 §5(part), 1983)

17.12.145 Condominium. "Condominium" means real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in space in a residential, industrial, or commercial building on the real property. (Ord. 83-05 §5(part), 1983)

17.12.150 Construction office (job shack). "Construction office (job shack)" means a temporary structure or trailer placed on or adjacent to a project site for the duration of construction. It may include a construction materials yard. (Ord. 83-05 §5(part), 1983)

17.12.155 Court. "Court" means an open unoccupied space, on the same lot with a building or buildings and bounded on two or more sides by such building or buildings. (Ord. 83-05 §5(part), 1983)

17.12.160 Day care center. "Day care center" means a facility licensed to regularly provide care, protection and supervision in a facility which is not the provider's home. (Ord. 83-05 §5(part), 1983)

17.12.165 Density. "Density" means the ratio between dwelling units and land, expressed as the number of dwelling units per acre, or as square feet of land required per dwelling unit. (Ord. 83-05 §5(part), 1983)

17.12.170 Density bonus. "Density bonus" means a density increase of at least twenty-five percent over the otherwise allowable residential density in that zone. See Section 17.64.030. (Ord. 83-05 §5(part), 1983)

17.12.175 District. "District." See "zone." (Ord. 83-05 §5(part), 1983)

17.12.180 Dwelling. "Dwelling" means any building or portion thereof designed or used exclusively for residential occupancy. (Ord. 83-05 §5(part), 1983)

17.12.185 Dwelling, duplex. "Duplex dwelling" means a building on a single parcel of land designed for occupancy by, or occupied by, two families living independently of each other, and having separate kitchen and toilet facilities for each family. (Ord. 83-05 §5(part), 1983)

17.12.190 Dwelling, multiple-family. "Multiple-family dwelling" means a building or portion thereof on a single parcel of land designed for occupancy by, or occupied by, three or more families living independently of each other, and having separate kitchen and toilet facilities for each family. (Ord. 83-05 §5(part), 1983)

17.12.195 Dwelling, single-family detached. "Single-family detached dwelling" means a detached building designed exclusively for occupancy by one family. (Ord. 83-05 §5(part), 1983)

17.12.200 Dwelling unit. "Dwelling unit" means one or more rooms and a single kitchen area designed for occupancy by one family for living and sleeping purposes. (Ord. 83-05 §5(part), 1983)

17.12.205 Factory-built home. "Factory-built home" means a residential building constructed in conformance with the State of California Factory-Built Housing Code. A "factory-built home" shall not include a mobile home or manufactured home as defined in this chapter. (Ord. 83-05 §5(part), 1983)

17.12.210 Family. "Family" means one or more persons occupying a premises and living as a single housekeeping unit, as distinguished from a group occupying a boarding-house, lodginghouse, or hotel, as defined in this chapter. (Ord. 83-05 §5(part), 1983)

17.12.215 Family day care home. "Family day care home" means a facility licensed to regularly provide care, protection and supervision in the principal residence of the care provider for children for periods of less than twenty-four hours per day. (Ord. 83-05 §5(part), 1983)

17.12.220 Floor area, gross. "Gross floor area" means the total interior floor area of all stories of a building or structure, including basements, as well as aboveground stories, interior balconies and mezzanines. (Ord. 83-05 §5(part), 1983)

17.12.225 Floor area, net. "Net floor area" means the total interior floor area of all stories of a building or structure, excluding corridors, hallways, stairways, balconies, breezeways, elevators, restrooms, closets, vaults, garages, carports, and other similar space used by all occupants of a building rather than by an individual occupant. (Ord. 83-05 §5(part), 1983)

17.12.230 Foster home. "Foster home" means a facility licensed to regularly provide care, protection and supervision to children in the licensee's home on a twenty-four-hour basis for varying periods of time. See also "residential care home." (Ord. 83-05 §5(part), 1983)

17.12.235 Frontage. "Frontage" means the property line of a site abutting on a street. (Ord. 83-05 §5(part), 1983)

17.12.240 Garage, patio or yard sale. "Garage, patio or yard sale" means a sale licensed to be conducted from any location on the premises of a residence in any kind of residential zone for the purpose of permitting occupants of that residence to dispose of their personal property accumulated during the course of ordinary residential living. (Ord. 83-05 §5(part), 1983)

17.12.245 Garage, repair. "Repair garage" means a building, or portion thereof, used for the commercial repair, maintenance or painting of motor vehicles. (Ord. 83-05 §5(part), 1983)

17.12.250 Gross acreage. "Gross acreage" means the gross area of a parcel of land measured to the centerlines of abutting streets or alleys. (Ord. 83-05 §5(part), 1983)

17.12.255 Guest house. "Guest house" means living quarters within an accessory building for use by temporary guests of the occupants of the premises. It shall have no kitchen or cooking facilities and shall not be rented or otherwise used as a separate dwelling. (Ord. 83-05 §5(part), 1983)

17.12.260 Home occupation. "Home occupation" means any occupation conducted entirely within a dwelling, accessory building or swimming pool, and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for residential purposes, and does not change the character thereof or adversely affect the uses permitted in the residential zone of which it is part. See also Section 17.64.070. (Ord. 83-05 §5(part), 1983)

17.12.265 Hospital. "Hospital" means a facility staffed and equipped to provide various types of hospital care, which is licensed under the provisions of Sections 237 or 238 respectively of Title 17 of the California Administrative Code, or amendments thereto. (Ord. 83-05 §5(part), 1983)

17.12.270 Hotel or motel. "Hotel" or "motel" means a building or portion thereof or a group of attached or detached buildings containing individual guest rooms or suites where lodging is provided for transients for compensation. (Ord. 83-05 §5(part), 1983)

17.12.275 Junk or salvage yard. "Junk or salvage yard" means a site or portion of a site on which waste, discarded or salvaged materials are brought, sold, exchanged, stored, baled, cleaned, packed, disassembled or handled, excepting an auto dismantling and wrecking establishment as defined in this chapter. (Ord. 83-05 §5(part), 1983)

17.12.280 Landscaping. "Landscaping" means plantings, including trees, shrubs, lawn, flowers and groundcovers, suitably designed, selected, installed and maintained. "Landscaping" may include rock, fountains, pools, screens, walls, fences, benches, walkways and concrete plazas. (Ord. 83-05 §5(part), 1983)

17.12.285 Loading space. "Loading space" means an off-street space or berth on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access. (Ord. 83-05 §5(part), 1983)

17.12.290 Lot. "Lot" means a parcel of land shown on a subdivision map, parcel map or record of survey map or described by metes and bounds and recorded in the office of the county recorder of Stanislaus County, and/or a building site in one ownership having an area for a building or

buildings, together with such yards, open spaces, lot width, and lot areas as are required by this title and having frontage upon a public street, road or highway (other than an alley), unless otherwise approved. (Ord. 83-05 §5(part), 1983)

17.12.295 Lot area. "Lot area" means the total horizontal net area within the lot lines of a lot or parcel exclusive of streets, highways, roads and alleys. (Ord. 83-05 §5(part), 1983)

17.12.300 Lot, corner. "Corner lot" means a lot situated at the intersection of two or more streets having an angle of intersection of not more than one hundred thirty-five degrees. (Ord. 83-05 §5(part), 1983)

17.12.305 Lot coverage. "Lot coverage" means that portion of a lot occupied by any building or structure, excepting paved areas, walks and swimming pools. (Ord. 83-05 §5(part), 1983)

17.12.310 Lot depth. "Lot depth" means the horizontal distance between the front and rear lot lines measured on the longitudinal centerline. (Ord. 83-05 §5(part), 1983)

17.12.315 Lot, flag. "Flag lot" means a lot so shaped and designed that the main building site area does not have street frontage, but is connected to the street by a strip of land which is used for access purposes. Access must be not less than ten feet in width for single-family residential lots and twenty feet in width for all other types of lots. Flag lots are to be discouraged. (Ord. 83-05 §5(part), 1983)

17.12.320 Lot, interior. "Interior lot" means a lot other than a corner lot. (Ord. 83-05 §5(part), 1983)

17.12.325 Lot, key. "Key lot" means the first interior lot to the rear of a reversed corner lot. (Ord. 83-05 §5(part), 1983)

17.12.330 Lot line. "Lot line" means any line bounding a lot as defined in this chapter. (Ord. 83-05 §5(part), 1983)

17.12.335 Lot line, front. "Front lot line" means, in the case of an interior lot, the street line separating the lot from the street. In the case of a corner lot, the owner may designate on which street the lot fronts. If such designation is made, then the line is the street line separating the designated street from the lot. If no such designation is made, then the line is the street line separating

the narrowest street frontage of the lot from the street. Once the choice of frontage has been made, it cannot be changed unless all requirements for yard space are complied with. (Ord. 83-05 §5(part), 1983)

17.12.340 Lot line, rear. "Rear lot line" means a lot line which is opposite and most distant from the front lot line or, in the case of an irregular or triangular lot, a line ten feet in length within the lot, parallel to and at the maximum distance from the front lot line. (Ord. 83-05 §5(part), 1983)

17.12.345 Lot line, side. "Side lot line" means any lot boundary line not a front lot line or a rear lot line. (Ord. 83-05 §5(part), 1983)

17.12.350 Lot, reversed corner. "Reversed corner lot" means a corner lot, the side street line of which is substantially a continuation of the front lot line of the first lot to its rear. (Ord. 83-05 §5(part), 1983)

17.12.355 Lot, through. "Through lot" means a lot having frontage on two parallel or approximately parallel streets. (Ord. 83-05 §5(part), 1983)

17.12.360 Lot width. "Lot width" means the horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear property lines. (Ord. 83-05 §5(part), 1983)

17.12.365 Manufactured home. For the purposes of this title, a "manufactured home" is the same as a mobile home as defined in this chapter. (Ord. 83-05 §5(part), 1983)

17.12.370 Mini-storage/warehouse facility. "Mini-storage/warehouse facility" means a building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers for the dead storage of customer's goods or wares. (Ord. 83-05 §5(part), 1983)

17.12.375 Mobile home. "Mobile home" means a transportable structure built on a chassis for future movement, and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and intended for occupancy by one family. No such structure shall be deemed to be a mobile home if it is less than eight feet in width, and less than thirty-two feet in length, when assembled for use as a dwelling. (Ord. 83-05 §5(part), 1983)

17.12.380 Mobile home park. "Mobile home park" means a facility designed and equipped in accordance with the requirements of Section 17.64.080 and applicable state laws for the accommodation of occupied mobile homes. (Ord. 83-05 §5(part), 1983)

17.12.385 Mobile home supplemental housing. "Mobile home supplemental housing" means a mobile home used to provide supplemental housing for the care of the ill or the infirm. (Ord. 83-05 §5(part), 1983)

17.12.390 Nonconforming building. "Nonconforming building" means a building or structure or portion thereof lawfully existing at the time of the adoption of this title, and which does not conform to the applicable regulations of this title. "Nonconforming building" includes any building or structure or portion thereof lawfully existing in an area annexed to the city at the time of such annexation, and which does not conform to the applicable regulations of this title. (Ord. 83-05 §5(part), 1983)

17.12.395 Nonconforming use. "Nonconforming use" means a use which lawfully occupies a building or land at the time of the adoption of this title, and which does not conform to the applicable regulations of this title. "Nonconforming use" includes any use which lawfully occupies any building or land in an area annexed to the city at the time of such annexation, and which does not conform to the applicable regulations of this title. (Ord. 83-05 §5(part), 1983)

17.12.400 Nursing and convalescent home. "Nursing and convalescent home" means a facility providing bed care, or chronic or convalescent care for persons who by reason of illness, physical infirmity, or age are unable to properly care for themselves. A facility shall be deemed to be a "nursing and convalescent home" for the purpose of this title, notwithstanding the designation applied to the facility by the operator, or any federal, state or local regulatory agency, such as "hospital" or "rest home," so long as the facility provides care as described in this section, and does not qualify as a "hospital" as defined in this chapter. (Ord. 83-05 §5(part), 1983)

17.12.405 Occupant load. "Occupant load" shall be as defined and determined in Chapter 33 of the Uniform Building Code. (Ord. 83-05 §5(part), 1983)

17.12.410 Outdoor advertising sign. "Outdoor advertising sign" means any card, cloth, paper, metal, painted glass, wooden, plaster, stone, or other sign of any kind or

character whatsoever placed for outdoor advertising purposes on the ground or on any tree, wall, bush, rock, post, fence, building, structure or thing whatsoever. The term "placed" as used in the definitions of "outdoor advertising sign" and "outdoor advertising structure" includes erecting, constructing, posting, painting, printing, tacking, mailing, gluing, sticking, carving, or otherwise fastening, affixing or making visible in any manner whatsoever. (Ord. 83-05 §5(part), 1983)

17.12.415 Outdoor advertising structure. "Outdoor advertising structure" means any structure of any kind or character erected or maintained for outdoor advertising purposes, upon which any outdoor advertising sign may be placed, including also outdoor advertising statuary. (Ord. 83-05 §5(part), 1983)

17.12.420 Parking area. "Parking area" means a permanently surfaced open area, other than a street or alley, used for the parking of motor vehicles, either free, for compensation, or as an accommodation for residents, clients or customers. See Chapter 17.72. (Ord. 83-05 §5(part), 1983)

17.12.425 Parking space. "Parking space" means a permanently surfaced space, directly accessible to a driveway, street or alley, exclusive of access, driveways, ramps or maneuvering areas, designed or used for the parking of one motor vehicle. See Chapter 17.72. (Ord. 83-05 §5(part), 1983)

17.12.430 Permitted uses. "Permitted uses" includes principal, conditional and accessory uses. (Ord. 83-05 §5(part), 1983)

17.12.435 Plan lines. "Plan lines" means officially established right-of-way lines for future streets or for the extension or widening of existing streets within which the construction of structures is prohibited. (Ord. 83-05 §5(part), 1983)

17.12.440 Planned unit development. "Planned unit development" means an integrated development consisting of a building or group of buildings situated on a site in such a manner that each unit may be sold separately from all other units, and where all owners of units may also own an interest in recreation facilities, parking facilities, open space, or any combination thereof along with appurtenant facilities. (Ord. 83-05 §5(part), 1983)

17.12.442 Planning officer. "Planning officer" means that officer of the city designated from time to time to perform the duties of review set forth in this title. (Ord. 84-08 §3, 1984)

17.12.445 Primary residential unit. "Primary residential unit." See "dwelling, single-family detached." (Ord. 83-05 §5(part), 1983)

17.12.450 Property line. "Property line." See "lot line." (Ord. 83-05 §5(part), 1983)

17.12.455 Public and quasi-public uses. "Public and quasi-public uses" include such uses as cemeteries, churches, corporation yards, fire stations, hospitals, parks, public utility distribution substations, schools, communication equipment buildings, etc. (Ord. 83-05 §5 (part), 1983)

17.12.460 Recreational vehicle. "Recreational vehicle" means a motor home, travel trailer, truck camper, or camping trailer, with or without motive power, designed for human habitation for recreational or emergency occupancy, with a living area of less than two hundred twenty square feet excluding built-in equipment. (Ord. 83-05 §5(part), 1983)

17.12.465 Residential care home. "Residential care home" means a state authorized, certified or licensed family care home, foster home, or group home serving six or fewer mentally disordered or otherwise handicapped persons or dependent and neglected children on a twenty-four-hour basis. (Ord. 83-05 §5(part), 1983)

17.12.470 Roadside stand. "Roadside stand" means a temporary structure designed or used for the display or sale of agricultural products. (Ord. 83-05 §5(part), 1983)

17.12.475 Second residential unit. "Second residential unit" means an attached or detached dwelling unit which provides complete, independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel or parcels as the primary residential unit. It shall not be used for rental purposes. It shall not include a mobile home. Detached structures are not preferred, and will be allowed only upon a showing and findings of hardship. Hardship may include such items as lack of room to meet setback requirements, unusually expensive construction costs, or similar objective difficulties. (Ord. 83-05 §5 (part), 1983)

17.12.480 Shelter, fallout. "Fallout shelter" means a structure or portion of a structure intended to provide protection to human life during periods of danger to human life from nuclear fallout, air raids, storms, or other emergencies. (Ord. 83-05 §5(part), 1983)

17.12.485 Stable. "Stable" means a detached accessory building for the shelter of horses or other hooved animals. (Ord. 83-05 §5(part), 1983)

17.12.490 Story. "Story" means that portion of a building included between the surface of any floor and the surface of the floor next above, or if there is no floor above, the ceiling or roof above it. If the finished floor level directly above a basement or cellar is more than six feet above grade, such basement or cellar shall be considered a story. (Ord. 83-05 §5(part), 1983)

17.12.495 Street. "Street" means a public or private thoroughfare thirty feet or more in width, other than an alley, which affords the principal means of access to abutting property. (Ord. 83-05 §5(part), 1983)

17.12.500 Street line. "Street line" means the boundary line between the right-of-way or easement for a street, and the abutting property. (Ord. 83-05 §5(part), 1983)

17.12.505 Structural alterations. "Structural alterations" means any change in the supporting members of a building or structure such as bearing walls, columns, beams, girders or rafters. (Ord. 83-05 §5(part), 1983)

17.12.510 Structure. "Structure" means anything constructed or erected which requires location on the ground or attached to something having location on the ground, including swimming pools, but not including fences or walls used as fences seventy-two inches in height or lower. (Ord. 83-05 §5(part), 1983)

17.12.515 Temporary tract office. "Temporary tract office" means a temporary sales office located on the site of a new development, usually in a model home, and operated until sales are completed. (Ord. 83-05 §5(part), 1983)

17.12.520 Travel trailer. "Travel trailer." See "recreational vehicle." (Ord. 83-05 §5(part), 1983)

17.12.525 Travel trailer park. "Travel trailer park" means a facility designed and equipped in accordance with the requirements of Section 17.64.080 and applicable state laws, for the accommodation of travel trailers, motor homes and recreational vehicles on a temporary basis. (Ord. 83-05 §5(part), 1983)

17.12.530 Truck terminal. "Truck terminal" means a facility for the loading and/or unloading of fuel, food products, materials or merchandise, including the fueling,

repair, service and temporary storage of trucks and trailers. (Ord. 83-05 §5(part), 1983)

17.12.535 Use. "Use" means the purpose for which a lot or structure is or may be leased, occupied, maintained, arranged, designed, intended, constructed, erected, moved, altered or enlarged. (Ord. 83-05 §5(part), 1983)

17.12.540 Use, accessory. "Accessory use" means a use incidental and accessory to the principal use of a lot or building located on the same lot. (Ord. 83-05 §5(part), 1983)

17.12.545 Use, conditional. "Conditional use" means a use which may be suitable only in specific locations in a zoning district or only if such use is designed or laid out on the site in a particular manner. A conditional use requires a use permit. (Ord. 83-05 §5(part), 1983)

17.12.550 Use permit. "Use permit" means a permit approved by the commission for any use listed as a conditional use in that zone. (Ord. 83-05 §5(part), 1983)

17.12.555 Use, principal permitted. "Principal permitted use" means a permitted use not requiring a conditional use permit in that zone. (Ord. 83-05 §5(part), 1983)

17.12.560 Yard. "Yard" means an open space other than a court on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise provided in this title. (Ord. 83-05 §5(part), 1983)

17.12.565 Yard, front. "Front yard" means a yard extending across the full width of the lot measured between the front property line and the nearest vertical support or wall of the main building. (Ord. 83-05 §5(part), 1983)

17.12.570 Yard, rear. "Rear yard" means a yard extending across the full width of the lot measured between the rear property line and the nearest vertical support or wall of the main building. (Ord. 83-05 §5(part), 1983)

17.12.575 Yard, side. "Side yard" means a yard extending from the front yard to the rear yard measured between the side lot line and the nearest vertical support or wall of the main building. (Ord. 83-05 §5(part), 1983)

17.12.580 Zone. "Zone" means a portion of the territory of the city within which certain uniform regulations and requirements, or various combinations thereof apply, pursuant to the provisions of this title. (Ord. 83-05 §5(part), 1983)

Chapter 17.16RESIDENTIAL LAND USE TABLESections:

- 17.16.010 Purpose.
- 17.16.020 Table 1--Permitted uses.
- 17.16.030 Special conditions.

17.16.010 Purpose. The purpose of the residential land use table is to designate the residential uses permitted within each zone, subject to the requirements for such uses set forth in the chapters describing those zones. (Ord. 83-05 §5(part), 1983)

17.16.020 Table 1--Permitted uses. To determine in which zone a specific use is allowed:

- A. Find the use in the left-hand column.
- B. Read across the table until either a "letter" or an "x" appears in one of the columns.
- C. If a letter appears this means that the use is allowed in the zone represented by that column, but only if certain conditions are complied with. The conditions applicable to that use are those corresponding to the letter listed in Section 17.16.030.
- D. If an "x" appears in a column the use is allowed in the zone represented by that column without being subject to any of the conditions listed in Section 17.16.030.
- E. If neither a "letter" nor an "x" appears in a column, the use is not allowed in the zone represented by that column.
- F. The commission shall interpret the appropriate zone for any use not specifically listed in the table, based on a finding of consistency with the purpose of the zone and that the use is of the same general character as that of the uses permitted in that zone.
- G. Overlay zones are not included in the table.

TABLE 1
RESIDENTIAL LAND USES

USES	ZONE								
	R-A	O-S	R-1	R-2	R-3	C-1	C-2	C-3	I
1. Accessory buildings and uses customarily appurtenant to a permitted use	X	X	X	X	X				
2. Apartments and multiple-family dwellings					a		a		
3. Boarding and rooming houses					a		a		
4. Day care centers					a				
5. Duplexes			b	X	X				
6. Family day care homes	X		X	X	X				
7. Foster homes, residential care homes	a		a	a	a				
8. Guest houses	e		e	e	e				
9. Home occupations	d		d	d	d				
10. Mobile homes on permanent foundations	X		X	X	X				
11. Mobile home parks	c		c	c	c				
12. Mobile home supplemental housing	g		g	g	g				
13. Nursing and convalescent homes					c		c		
14. Residence for a caretaker or watchman	d						d	d	d
15. Second residential unit			f						
16. Single-family dwellings	X		X	X	X				
17. Temporary tract offices	d		d	d	d				

(Ord. 83-05 §5(part), 1983)

17.16.030 Special conditions. The following special conditions apply to those land uses indicated by the corresponding letter in Table 1:

a. Conditional use permit required if for more than six guests, persons or dwelling units.

b. Permitted on corner lots only. Each entrance must front on a separate street.

c. Conditional use permit required.

d. Accessory use, incidental to principal use.

e. Conditional use permit required. Guest house shall not exceed ten percent of the existing living area. "Living area" means the interior inhabitable area of a dwelling unit including basements and attics and shall not include a garage or any accessory structure.

f. Conditional use permit required. Permitted on corner lots only. Second residential unit shall not exceed ten percent of the existing living area. "Living area" means the interior inhabitable area of a dwelling unit including basements and attics and shall not include a garage or any accessory structure. Second residential units are specifically found to be consistent with the Hughson general plan. Please refer to Section 17.12.475.

g. Conditional use permit required. Accessory use incidental to principal use. (Ord. 83-05 §5(part), 1983)

Chapter 17.20

R-A RURAL RESIDENTIAL ZONE

Sections:

- 17.20.010 Purpose.
- 17.20.020 Permitted uses.
- 17.20.030 Height regulations.
- 17.20.040 Area, lot width and yard requirements.
- 17.20.050 Other required conditions.

17.20.010 Purpose. The purpose of the R-A zone is to provide living areas at the fringe of the city's corporate areas which combine certain advantages of both urban and

rural location by limiting development to very low density concentrations of one-family dwellings and permitting limited numbers of animals and fowl to be kept for pleasure or hobbies, free from activities of a commercial nature. (Ord. 83-05 §5(part), 1983)

17.20.020 Permitted uses. The uses permitted in the R-A zone shall be those uses specified in the Residential Land Use Table (Chapter 17.16) and the Commercial Land Use Table (Chapter 17.44), and subject to the special conditions accompanying those tables. (Ord. 83-05 §5(part), 1983)

17.20.030 Height regulations. No structure shall exceed thirty-five feet in height, except as provided in Chapter 17.76. (Ord. 83-05 §5(part), 1983)

17.20.040 Area, lot width and yard requirements. The following minimum requirements shall be observed:

- A. Lot width: 120 feet.
- B. Front yard: 30 feet.
- C. Side yards: Interior side: 10 feet
Street side of corner lot: 20 feet.
- D. Rear yard: 40 feet.
- E. Lot area: 24,000 square feet. (Ord. 83-05 §5(part), 1983)

17.20.050 Other required conditions. A. All uses are subject to the provisions of Chapters 17.68 and 17.72.

B. No building or enclosure in which animals or fowl, except household pets, are contained shall be established, kept or maintained within three hundred feet of any lot in any R or C zone, or from any school or institution for human care, nor within fifty feet of any dwelling or other building used for human habitation.

C. Site plan approval is required for all uses requiring a building permit. (Ord. 83-05 §5(part), 1983)

Chapter 17.24O-S OPEN SPACE ZONESections:

- 17.24.010 Purpose.
- 17.24.020 Permitted uses.
- 17.24.030 Yard requirements.
- 17.24.040 Height regulations.
- 17.24.050 Other required conditions.

17.24.010 Purpose. The purpose of the O-S zone is to preserve open space recreation areas, areas of historical and cultural value, areas devoted to the enjoyment of scenic beauty and conservation of natural resources, and landscaped areas. (Ord. 83-05 §5(part), 1983)

17.24.020 Permitted uses. The uses permitted in the O-S zone shall be those uses specified in the Residential Land Use Table (Chapter 17.16) and the Commercial Land Use Table (Chapter 17.44), and subject to the special conditions accompanying those tables. (Ord. 83-05 §5(part), 1983)

17.24.030 Yard requirements. The following requirements shall be observed:

- A. Front yard: 35 feet.
- B. Side yards: Interior side: 10 feet
Street side of corner lot: 20 feet.
- C. Rear yard: 40 feet. (Ord. 83-05 §5(part), 1983)

17.24.040 Height regulations. No structures shall exceed thirty feet in height, except as provided in Chapter 17.76. (Ord. 83-05 §5(part), 1983)

17.24.050 Other required conditions. A. All uses are subject to the provisions of Chapters 17.68 and 17.72.

B. Site plan approval is required for all uses requiring a building permit. (Ord. 83-05 §5(part), 1983)

Chapter 17.28R-1 SINGLE-FAMILY RESIDENTIAL ZONESections:

- 17.28.010 Purpose.
- 17.28.015 Subzones.
- 17.28.020 Permitted uses.

- 17.28.030 Height regulations.
- 17.28.040 Area, lot width and yard requirements.
- 17.28.050 Other required conditions.

17.28.010 Purpose. The purpose of the R-1 single-family residential zone is to provide living areas where development is limited to low density housing; to ensure adequate light, air, privacy and open space for each dwelling; to provide space for community facilities needed to complement urban residential areas and for institutions which require a residential environment. (Ord. 83-05 §5 (part), 1983)

17.28.015 Subzones. The R-1 zone shall be subdivided into and consist of the R-1.1, R-1.2, and R-1.3 subzones. (Ord. 87-11 §1, 1988)

17.28.020 Permitted uses. The uses permitted in the R-1 zone shall be those uses specified in the Residential Land Use Table (Chapter 17.16) and the Commercial Land Use Table (Chapter 17.44), and subject to the special conditions accompanying those tables. (Ord. 83-05 §5(part), 1983)

17.28.030 Height regulations. No principal building shall exceed thirty-five feet in height, except as provided in Chapter 17.76. (Ord. 83-05 §5(part), 1983)

17.28.040 Area, lot width and yard requirements. The following minimum requirements shall be observed:

A. Lot width:

- 1. R-1.1 subzone.
 - a. Single-family.
 - i. Corner lot, sixty-five feet,
 - ii. Interior lot, sixty feet;
 - b. Duplex.
 - i. Corner lot, seventy feet.

Exceptions to this requirement are as follows: Any lot facing a cul-de-sac or a curved street having a radius of less than one hundred feet at the property line shall have a minimum frontage of at least sixty feet measured along the front property line.

- 2. R-1.2 subzone.
 - a. Single-family.
 - i. Corner lot, seventy feet,
 - ii. Interior lot, sixty-five feet;
 - b. Duplex.
 - i. Corner lot, eighty feet.

Exceptions to this requirement are as follows: Any lot facing a cul-de-sac or curved street having a radius of less than one hundred feet at the property line, shall have a minimum frontage of at least sixty-five feet measured along the front property line.

3. R-1.3 subzone.

a. Single-family.

- i. Corner lot, eighty feet,
- ii. Interior lot, seventy feet;

b. Duplex.

- i. Corner lot, one hundred feet.

Exceptions to this requirement are as follows: Any lot facing a cul-de-sac or curved street having a radius of less than one hundred feet at the property line, shall have a minimum frontage of at least seventy feet measured along the front property line.

B. Front Yard.

- 1. R-1.1 through R-1.3, inclusive: twenty feet minimum setback for the garage and fifteen feet minimum setback for the dwelling.

Exceptions to this requirement are as follows:

- a. Where a uniform setback (fifty percent or more of the block) between two intersecting streets or on a cul-de-sac exists which is greater than twenty feet, any building or structure hereafter erected, structurally altered, or enlarged shall conform to the established setback.

- b. The minimum length of a driveway shall be twenty feet.

C. Side Yards.

- 1. R-1.1 through R-1.3, inclusive:

a. Interior Side.

- i. One story, five feet,
- ii. Two story, seven feet;

- b. Street side of corner lot, fifteen feet.

D. Rear Yard.

- 1. R-1.1 through R-1.3, inclusive, ten feet.

E. Lot Area.

- 1. R-1.1 Subzone.

a. Single-family.

- i. Corner lot, six thousand five hundred square feet,
- ii. Interior lot, six thousand square feet;

b. Duplex.

- i. Corner lot, seven thousand square feet.

Exceptions to this requirement are as follows: Any legally created lot not meeting the minimum lot area requirements may be occupied by any use permitted by this chapter if all yard setbacks are met.

- 2. R-1.2 Subzone.

a. Single-family.

- i. Corner lot, seven thousand square feet,
- ii. Interior lot, six thousand five hundred square feet;

b. Duplex.

- i. Corner lot, eight thousand square feet.

Exceptions to this requirement are as follows: Any

legally created lot not meeting the minimum lot area requirements may be occupied by any use permitted by this chapter if all yard setbacks are met.

3. R-1.3 Subzone.

a. Single-family.

i. Corner lot, eight thousand square feet,

ii. Interior lot, seven thousand square feet;

b. Duplex.

i. Corner lot, ten thousand square feet.

Exceptions to this requirement are as follows: Any legally created lot not meeting the minimum lot area requirements may be occupied by any use permitted by this chapter if all yard setbacks are met. (Ord. 87-11 §2, 1988: Ord. 83-05 §5(part), 1983)

17.28.050 Other required conditions. A. All uses are subject to the provisions of Chapters 17.68 and 17.72.

B. Site plan approval is required for all uses requiring a building permit. (Ord. 83-05 §5(part), 1983)

Chapter 17.32

R-2 DUPLEX RESIDENTIAL ZONE

Sections:

17.32.010 Purpose.

17.32.020 Permitted uses.

17.32.030 Height regulations.

17.32.040 Area, lot width and yard requirements.

17.32.050 Other required conditions.

17.32.010 Purpose. The purpose of the R-2 duplex residential zone is to provide living areas where a compatible mixture of one-family and two-family dwellings will provide a suitable environment for family living; to ensure adequate light, air, privacy and open space for each dwelling; to provide space for community facilities needed to complement urban residential areas and for institutions which require a residential environment. (Ord. 83-05 §5(part), 1983)

17.32.020 Permitted uses. The uses permitted in the R-2 zone shall be those uses specified in the Residential Land Use Table (Chapter 17.16) and the Commercial Land Use Table (Chapter 17.44), and subject to the special conditions accompanying those tables. (Ord. 83-05 §5(part), 1983)

17.32.030 Height regulations. No principal building shall exceed thirty-five feet in height, except as provided in Chapter 17.76. (Ord. 83-05 §5(part), 1983)

17.32.040 Area, lot width and yard requirements. The following minimum requirements shall be observed:

A. Lot width:

Single-family:

Corner lot - 65 feet

Interior lot - 55 feet

Duplex:

Corner lot - 70 feet

Interior lot - 60 feet

Exceptions to this requirement are as follows: Any lot facing a cul-de-sac or a curved street having a radius of less than one hundred feet at the property line shall have a minimum frontage of at least fifty-five feet measured along the front property line.

B. Front yard: 20 feet

Exceptions to this requirement are as follows:

1. Where a uniform setback (fifty percent or more of the block) between two intersecting streets or on a cul-de-sac exists which is greater than twenty feet any building or structure hereafter erected, structurally altered or enlarged, shall conform to the established setback.

2. The minimum length of a driveway shall be twenty feet.

C. Side yards:

Interior side: one story - 5 feet

two story - 7 feet

Street side of corner lot: 15 feet.

D. Rear yard: 10 feet.

E. Lot area:

Single-family:

Corner lot: 6,500 square feet

Interior lot: 6,000 square feet

Duplex:

Corner lot: 7,000 square feet

Interior lot: 6,000 square feet

Exceptions to this requirement are as follows: Any legally created lot not meeting the minimum lot area requirements may be occupied by any use permitted by this chapter if all yard setback requirements are met. (Ord. 83-05 §5(part), 1983)

17.32.050 Other required conditions. A. All uses are subject to the provisions of Chapters 17.68 and 17.72.

B. Site plan approval is required for all uses requiring a building permit. (Ord. 83-05 §5(part), 1983)

Chapter 17.36R-3 MULTIPLE-FAMILY RESIDENTIAL ZONESections:

- 17.36.010 Purpose.
- 17.36.020 Permitted uses.
- 17.36.030 Height regulations.
- 17.36.040 Area, lot width and yard requirements.
- 17.36.050 Other required conditions.

17.36.010 Purpose. The purpose of the R-3 multiple-family residential zone is to provide residential areas which can accommodate a suitable mixture of more intensive land uses, including multiple-family dwellings, community facilities and offices, compatible with the surrounding area and consistent with the general plan. (Ord. 83-05 §5(part), 1983)

17.36.020 Permitted uses. The uses permitted in the R-3 zone shall be those specified in the Residential Land Use Table (Chapter 17.16) and the Commercial Land Use Table (Chapter 17.44), and subject to the special conditions accompanying those tables. (Ord. 83-05 §5(part), 1983)

17.36.030 Height regulations. No principal building shall exceed four stories or forty-five feet in height, except as provided in Chapter 17.76. (Ord. 83-05 §5(part), 1983)

17.36.040 Area, lot width and yard requirements. The following minimum requirements shall be observed:

A. Lot width: 65 feet.

Exceptions to this requirement are as follows: Any lot facing a cul-de-sac or a curved street having a radius of less than one hundred feet at the property line shall have a minimum frontage of at least fifty-five feet measured along the front property line.

B. Front yard: 15 feet.

C. Side yards:

Interior side: one story - 5 feet

Interior side: over one story - 7 feet

Street side of corner lot: 10 feet.

D. Rear yard: 10 feet.

E. Lot area: 6,500 square feet.

F. Lot area per dwelling unit: 1,625 square feet.

Exceptions to this requirement are as follows: Any legally created lot not meeting the minimum lot area requirements, may be occupied by any use permitted by this

chapter if all yard setback requirements are met. (Ord. 83-05 §5(part), 1983)

17.36.050 Other required conditions. A. Access from a Public Street. There shall be an open access from the street to a rear dwelling of not less than twenty feet in width.

B. Distance between Buildings on Property.

One story: 10 feet

Two story: 15 feet.

C. All uses are subject to the provisions of Chapters 17.68 and 17.72.

D. Site plan approval is required for all uses requiring a building permit. (Ord. 83-05 §5(part), 1983)

Chapter 17.40

P-D PLANNED DEVELOPMENT OVERLAY ZONE

Sections:

17.40.010 Purpose.

17.40.020 Location.

17.40.030 Permitted uses.

17.40.040 Area, height, lot width and yard requirements.

17.40.050 Application.

17.40.060 Standards and criteria.

17.40.070 Required findings.

17.40.080 Other required conditions.

17.40.010 Purpose. The purpose of the P-D planned development overlay zone is to encourage a creative and more efficient approach to the use of land and to provide for greater flexibility in the design of integrated developments than otherwise possible through strict application of zoning regulations. (Ord. 83-05 §5(part), 1983)

17.40.020 Location. The P-D overlay zone may be applied to parcels of land of any size in any zone which are found to be suitable for the proposed development. (Ord. 83-05 §5(part), 1983)

17.40.030 Permitted uses. The permitted uses of land in a P-D zone shall be any use or combination of uses and densities shown on the approved development plan which are so arranged and designed to provide a development which is in conformity with the general plan and which is consistent with the requirements of this chapter. (Ord. 83-05 §5(part), 1983)

17.40.040 Area, height, lot width and yard requirements. All uses shall conform to the area, heights, lot width and yard regulations required in the underlying zone except where the total development will be improved by a deviation from such regulations. Maximum increased density shall not exceed twenty-five percent of the standard density permitted in the zone, except as otherwise permitted by state law. (Ord. 83-05 §5(part), 1983)

17.40.050 Application. A. Procedure. An application for the establishment of a P-D zone shall also include an application for a use permit for all proposed developments within the zone. The use permit application shall be considered concurrently with the zoning request and shall be approved subject to the approval of the zoning request. No use permit filing fee shall be required in such event and the combined application shall be processed pursuant to the provisions of Chapter 17.92.

B. Development Plan. The use permit application shall include the following:

1. Site plan showing lot area, street layout, lot design, locations of buildings, setbacks, driveways, off-street parking and loading areas, landscaping, on-site drainage areas;

2. Floor plans and elevations of buildings and signs;

3. Other information as required by the planning commission;

4. The city manager may waive any of the above items if inappropriate, premature or speculative due to the nature of the project. (Ord. 83-05 §5(part), 1983)

17.40.060 Standards and criteria. The following typical kinds of deviations from the standards applying to the underlying zone may be approved by the commission if the overall design and aesthetics of the project would be improved:

A. Mixed uses (residential/nonresidential) and mixtures of housing types when compatible with each other and the surrounding properties;

B. Increased densities, off-street parking, setback and sign variations. (Ord. 83-05 §5(part), 1983)

17.40.070 Required findings. The commission must find that any proposed development plan containing any modification in or deviations from the standards required in the underlying zone will result in an improved project which is consistent with the general plan. (Ord. 83-05 §5(part), 1983)

17.40.080 Other required conditions. A. Failure to obtain a building permit within twelve months shall cause the planned development use permit to become null and void. No renewal of such permit may be granted. A new use permit application and filing fee must be submitted.

B. All uses are subject to the provisions of Chapters 17.68 and 17.72. (Ord. 83-05 §5(part), 1983)

Chapter 17.44

COMMERCIAL LAND USE TABLE

Sections:

- 17.44.010 Purpose.
- 17.44.020 Table 2--Permitted uses.
- 17.44.030 Special conditions.

17.44.010 Purpose. The purpose of the Commercial Land Use Table is to designate the commercial uses permitted within each zone, subject to the requirements for such uses set forth in the chapters describing these zones. (Ord. 83-05 §5(part), 1983)

17.44.020 Table 2--Permitted uses. To determine in which zone a specific use is allowed:

- A. Find the use in the left-hand column.
- B. Read across the table until either a "letter" or an "X" appears in one of the columns.
- C. If a letter appears this means that the use is allowed in the zone represented by that column, but only if certain conditions are complied with. The conditions applicable to that use are those corresponding to the letter listed in Section 17.44.030.
- D. If an "X" appears in a column the use is allowed in the zone represented by that column without being subject to any of the conditions listed in Section 17.44.030.
- E. If neither a "letter" nor an "X" appears in a column, the use is not allowed in the zone represented by that column.
- F. The commission shall interpret the appropriate zone for any land use not specifically listed in the table, based on a finding of consistency with the purpose of the zone and that the use is of the same general character as that of the uses permitted in that zone.
- G. Overlay zones are not included in the table.

TABLE 2
COMMERCIAL LAND USES

USES	ZONE							
	R-A	O-S	R-1	R-2	R-3	C-1	C-2	C-3
1. Accessory buildings and uses customarily appurtenant to a permitted use						X	X	X
2. Agricultural uses, and structures	X							
3. Airports	b							
4. Ambulance service							X	X
5. Appliance sales, service and supply							X	X
6. Auto leasing, truck and trailer rentals							c	X
7. Auto parts sales, service and supply							X	X
8. Auto sales, service and repair, new and used, includes boat, motorcycle, RV, trailer and trucks							b	b
9. Auto and truck service stations						b	d	X
10. Bakeries						X	X	X
11. Barber and beauty shops						X	X	X
12. Bars, cocktail lounges and taverns							X	X
13. Boarding and rooming houses					a		a	
14. Bowling alleys							b	b
15. Building materials sales yard								b

USES

ZONE

R-A O-S R-1 R-2 R-3 C-1 C-2 C-3

16. Cabinet shops								b
17. Cafes, coffee shops and restaurants, except drive-in, fast food, self-service and take out restaurants						b	X	X
18. Cardrooms							b	b
19. Car washes							d	X
20. Cemeteries, crematories and columbariums	b							
21. Churches	b	b	b	b	b	b	X	X
22. Clothes cleaning and laundry pick-up stations						X	X	X
23. Commercial recreation facilities, other than those listed in Table 2						b	b	b
24. Communication and public utility service facilities							b	
25. Dancehalls							b	b
26. Drive-in, fast food, self-service, take out restaurants							b	b
27. Drive-in theaters	b							b
28. Drug stores and pharmacies						b	X	X
29. Dump stations for recreational vehicles							b	b
30. Electrical sales, service and supply							X	X
31. Equipment rental								b
32. Farm supply and implement sales and service								b

USES

ZONE

R-A O-S R-1 R-2 R-3 C-1 C-2 C-3

33. Film processing pick-up stations						X	X	X
34. Financial institutions							X	X
35. Fire extinguisher sales and service								X
36. Flea markets								b
37. Florists						X	X	X
38. Food and grocery stores						e	X	X
39. Funeral homes and mortuaries							X	X
40. Gift shops					c	X	X	X
41. Glass sales, service and supply							X	X
42. Golf courses, golf driving ranges	b	b						
43. Hardware stores						b	X	X
44. Heating and air conditioning sales, service and supply							X	X
45. Heliports	b	b						
46. Hospitals				b			b	b
47. Hotels and motels							b	b
48. Hydraulic equipment, well drilling sales, service and supply								b
49. Laundromats						X	X	X
50. Laundry, dry cleaning plants							b	b
51. Liquor sales, on and off sale						c	X	X
52. Locksmiths							X	X

USES

ZONE

	R-A	O-S	R-1	R-2	R-3	C-1	C-2	C-3
53. Machine shops								b
54. Medical and dental clinics					b		X	X
55. Medical laboratories					b		X	X
56. Mini-storage facilities								b
57. Miniature golf								b
58. Multi-use developments						g	g	g
59. Offices					b		X	X
60. Opticians					c		X	X
61. Outdoor advertising signs	j		j	j	j	k	l	l
62. Parking facilities, including truck parking and park and ride lots							c	c
63. Parking facilities on sites contiguous with nonresiden- tial zones			b	b	b			
64. Passenger terminals							b	b
65. Pipe sales, service and supply							X	X
66. Plant nurseries and greenhouses							X	X
67. Plumbing sales, service and supply							X	X
68. Pool halls						X	X	X
69. Pool service and supply							X	X
70. Prescription pharmacies					c	b	X	X
71. Produce stands	c						X	X
72. Public and private schools	b		b	b	b		X	X
73. Public and quasipublic build- ings and uses appropriate to the area	b	b	b	b	b	b	b	b

USES

ZONE

R-A O-S R-1 R-2 R-3 C-1 C-2 C-3

74. Public scales								b
75. Pump sales, service and supply							X	X
76. Recreational vehicle and boat storage								b
77. Research and development facilities								b
78. Residential hotels							b	
79. Retail stores and shops						X	X	X
80. Sewage ponds, storm retention basins	X	X	b	b	b	b	b	b
81. Shopping centers						g	g	g
82. Skating rinks							b	b
83. Social halls, lodges, fraternal organizations and clubs					b	b	X	X
84. Swimming, tennis and racquetball clubs, health clubs	b						X	X
85. Taxicab service							X	X
86. Technical, trade and craft schools and studios					b	b	X	X
87. Temporary construction storage yards	c	c	c	c	c	c	c	c
88. Temporary outdoor uses						f	f	f
89. Theaters							b	b
90. Tire recapping								X
91. Travel trailer parks and overnight campgrounds							b	b
92. Variety stores						b	X	X

USES

ZONE

	R-A	O-S	R-1	R-2	R-3	C-1	C-2	C-3
93. Veterinary offices and clinics	b					b	X	
94. Video game arcades						h	h	h
95. Video games when incidental to a permitted use						i	i	i
96. Welding shops								b
97. Wholesale and distributing businesses								X

(Ord. 83-05 §5(part), 1983)

17.44.030 Special conditions. The following special conditions apply to those land uses indicated by the corresponding letters in Table 2:

a. Conditional use permit required if for more than six guests, persons, or dwelling units.

b. Conditional use permit required.

c. Accessory use, incidental to principal use.

d. Conditional use permit required if abutting any residential zone.

e. Conditional use permit required if gross floor area exceeds two thousand five hundred square feet.

f. Temporary outdoor uses such as Christmas tree sales, farmer markets, fireworks sales, sidewalk days and other promotional events, for a period not to exceed thirty days, subject to the approval of the commission. May be approved without a public hearing.

g. Conditional use permit required. A list of permitted uses may be approved with the use permit.

h. Conditional use permit required. Must meet the requirements otherwise specified in the Hughson Municipal Code.

i. Permitted, but must meet the requirements otherwise specified in the Hughson Municipal Code.

j. One unlighted sign permitted. Sign shall not be over four square feet in area and must pertain to the sale, lease or rental of the property upon which the sign is located.

k. Appurtenant, nonanimated and nonflashing signs permitted. The maximum height of all such signs, plus separate standing advertising structures, if any, shall be thirty feet.

l. Nonanimated and nonflashing signs permitted. The maximum height of all such signs, plus separate standing advertising structures, if any, shall be thirty-five feet. (Ord. 83-05 §5(part), 1983)

Chapter 17.48

C-1 NEIGHBORHOOD COMMERCIAL ZONE

Sections:

- 17.48.010 Purpose.
- 17.48.020 Permitted uses.
- 17.48.030 Height regulations.
- 17.48.040 Performance standards.
- 17.48.050 Other required conditions.

17.48.010 Purpose. The purpose of the C-1 neighborhood commercial zone is to provide neighborhood shopping areas where retail business or service establishments supply commodities or perform services to meet the daily needs of the residential neighborhood but not to permit commercial uses which would be more appropriate in the C-2 or C-3 zones. C-1 zones are to be applied to areas of two acres minimum. (Ord. 83-05 §5(part), 1983)

17.48.020 Permitted uses. The uses permitted in the C-1 zone shall be those uses specified in the Residential Land Use Table (Chapter 17.16) and the Commercial Land Use Table (Chapter 17.44), and subject to the special conditions accompanying those tables. (Ord. 83-05 §5(part), 1983)

17.48.030 Height regulations. No principal building shall exceed thirty feet in height except as provided in Chapter 17.76. (Ord. 83-05 §5(part), 1983)

17.48.040 Performance standards. A. Additional landscaping to improve compatibility with neighboring residential areas.

B. All uses or activities shall be conducted wholly within completely enclosed buildings, except for auto service stations, off-street parking and loading facilities, temporary outdoor uses, or where, in the opinion of the commission, the use is incidental to a principal use on the premises and the proposed outside use is in character and harmony with the surrounding area.

C. All uses to be located, oriented and designed so as to be compatible with the neighboring residential area.

D. Building height to be compatible with neighboring residences not to exceed thirty feet.

E. Fencing adequate to screen development from residential development along rear and side property lines.

F. Hours of operation (open to public) shall not begin before seven a.m. nor extend beyond ten p.m.

G. Light sources shall be directed and shielded so as to not illuminate surrounding residential areas.

H. Maximum noise level at property lines not to exceed 65 dBA Ldn.

I. Outside storage of solid wastes and containers for solid waste, containers, merchandise, or other items or goods awaiting pickup, sale, or other disposition shall be prohibited except where screened to the satisfaction of the commission.

J. Setbacks to conform to adjacent residential zone(s). If adjacent to more than one residential zone, the most restrictive setbacks shall apply. (Ord. 83-05 §5 (part), 1983)

17.48.050 Other required conditions. A. All uses are subject to the requirements of Chapters 17.68 and 17.72.

B. The reoccupancy of a commercial building is subject to the approval of the commission.

C. Site plan approval is required for all uses requiring a building permit. (Ord. 83-05 §5(part), 1983)

Chapter 17.52

C-2 GENERAL COMMERCIAL ZONE

Sections:

- 17.52.010 Purpose.
- 17.52.020 Permitted uses.
- 17.52.030 Height regulations.
- 17.52.040 Yard requirements.
- 17.52.050 Performance standards.
- 17.52.060 Other required conditions.

17.52.010 Purpose. The purpose of the C-2 general commercial zone is to provide a general commercial area for the sale of commodities or the performance of services to serve the entire community. (Ord. 83-05 §5(part), 1983)

17.52.020 Permitted uses. The uses permitted in the C-2 zone shall be those uses specified in the Residential Land Use Table (Chapter 17.16) and the Commercial Land Use Table (Chapter 17.44), and subject to the special conditions accompanying those tables. (Ord. 83-05 §5(part), 1983)

17.52.030 Height regulations. No principal building shall exceed seventy-five feet in height except as provided in Chapter 17.76. (Ord. 83-05 §5(part), 1983)

17.52.040 Yard requirements. A. Front yard: 8 feet. This may be reduced to four feet if, in the opinion of the commission, the conditions of Chapter 17.76 are met.

B. Side yards:

Interior side: None, except when abutting a residential zone, then not less than required for that residential zone.

Street side of corner lot: Same as front yard with the addition of the visibility triangle required by Chapter 17.68.

C. Rear yard: None, except when abutting a residential zone, then not less than ten feet. (Ord. 83-05 §5(part), 1983)

17.52.050 Performance standards. A. All uses or activities shall be conducted wholly within completely enclosed buildings, except for auto service stations, off-street parking and loading facilities, temporary outdoor uses, vehicle leasing, sales and service, or where, in the opinion of the commission, the use is incidental to a principal use on the premises and the proposed outside use is in character and harmony with the surrounding area.

B. All uses adjacent to residential zones shall be located, oriented and designed so as to be compatible with those residential zones.

C. Fencing and landscaping adequate to screen development from adjacent residential zones along rear and side property lines.

D. Maximum noise level at property lines not to exceed 65 dBA Ldn.

E. Outside storage of solid wastes and containers for solid waste, containers, merchandise, or other items or goods awaiting pickup, sale, or other disposition shall be prohibited except where screened to the satisfaction of the commission. (Ord. 83-05 §5(part), 1983)

17.52.060 Other required conditions. A. All uses are subject to the provisions of Chapters 17.68 and 17.72.

B. The reoccupancy of a commercial building is subject to the approval of the commission.

C. Site plan approval is required for all uses requiring a building permit. (Ord. 83-05 §5(part), 1983)

Chapter 17.56

C-3 SERVICE COMMERCIAL ZONE

Sections:

- 17.56.010 Purpose.
- 17.56.020 Permitted uses.
- 17.56.030 Height regulations.
- 17.56.040 Yard requirements.
- 17.56.050 Performance standards.
- 17.56.060 Other required conditions.

17.56.010 Purpose. The purpose of the C-3 service commercial zone is to provide areas for heavy commercial uses along major arterial streets where a mixture of commercial and light industrial activities is appropriate. This zone permits commercial uses generally not appropriate to the central commercial area in addition to retail stores and offices and is intended to provide for the continuance of established uses. C-3 zones are to be applied to areas of two acres or more. (Ord. 83-05 §5(part), 1983)

17.56.020 Permitted uses. The uses permitted in the C-3 zone shall be those uses specified in the Residential Land Use Table (Chapter 17.16) and the Commercial Land Use Table (Chapter 17.44), and subject to the special conditions accompanying those tables. (Ord. 83-05 §5(part), 1983)

17.56.030 Height regulations. No principal building shall exceed sixty-five feet in height except as provided in Chapter 17.76. (Ord. 83-05 §5(part), 1983)

17.56.040 Yard requirements. A. Front yard: 8 feet. This may be reduced to four feet if, in the opinion of the commission, the conditions of Chapter 17.68 are met.

B. Side yards:

Interior side: None, except when abutting a residential zone, then not less than required for that residential zone.

Street side of corner lot: Same as front yard with the addition of the visibility triangle required by Chapter 17.68.

C. Rear yard: None, except when abutting a residential zone, then not less than ten feet. (Ord. 83-05 §5 (part), 1983)

17.56.050 Performance standards. A. All uses or activities shall be conducted wholly within completely enclosed buildings, except for auto service stations, off-street parking and loading facilities, temporary outdoor uses, vehicle leasing sales and service, or where, in the opinion of the commission, the use is incidental to a principal use on the premises and the proposed outside use is in character and harmony with the surrounding area.

B. All uses adjacent to residential zones shall be located, oriented and designed so as to be compatible with those residential zones.

C. Fencing and landscaping adequate to screen development from adjacent residential zones along rear and side property lines.

D. Maximum noise level at property lines not to exceed 65 dBA Ldn.

E. Outside storage of solid wastes and containers for solid waste, containers, merchandise, or other items or goods awaiting pickup, sale or other disposition shall be prohibited except where screened to the satisfaction of the commission.

F. Additional landscaping may be required in order to provide an aesthetically pleasing entrance to the city. (Ord. 83-05 §5(part), 1983)

17.56.060 Other required conditions. A. All uses are subject to the provisions of Chapters 17.68 and 17.72.

B. The reoccupancy of a commercial building is subject to the approval of the commission.

C. Site plan approval is required for all uses requiring a building permit. (Ord. 83-05 §5(part), 1983)

Chapter 17.60

I INDUSTRIAL ZONE

Sections:

- 17.60.010 Purpose.
- 17.60.020 Table 3--Permitted uses.
- 17.60.030 Special conditions.
- 17.60.040 Height regulations.
- 17.60.050 Yard requirements.
- 17.60.060 Performance standards.

17.60.010 Purpose. The purpose of the I industrial zone is to encourage appropriate industrial development by providing areas exclusively for such development subject to regulations necessary to insure the protection of adjoining uses. (Ord. 83-05 §5(part), 1983)

17.60.020 Table 3--Permitted uses. A. The uses permitted in the I zone shall be those uses specified in the Residential Land Use Table (Chapter 17.16) and Table 3, the Industrial Land Use Table, and subject to the special conditions accompanying those tables.

B. To determine whether a specific use is allowed:

1. Find the use in the left-hand column.
2. Read across the table until either a "letter" or an "X" appears in the right-hand column.
3. If a letter appears this means that the use is allowed in the I zone, but only if certain conditions are complied with. The conditions applicable to that use are those corresponding to the letter listed in Section 17.60-.030.
4. If an "X" appears in that column the use is allowed in the I zone without being subject to any of the conditions listed in Section 17.60.030.
5. The commission shall interpret the appropriate zone for any land use not specifically listed in the table, based on a finding of consistency with the purpose of the zone and that use is of the same general character as that of the uses permitted in that zone.
6. Overlay zones are not included in the table.

TABLE 3

INDUSTRIAL LAND USES

USES	I
A. ANIMAL AND FOOD PROCESSING	
1. Animal slaughter	a
2. Bakery goods	X
3. Beverage bottling	X
4. Breweries	a
5. Candy	X
6. Canneries	a

USES

	I
7. Dairy products, creameries	X
8. Food processing	X
9. Flour mills	a
10. Fruit and vegetable packing	c
11. Meat products	X
12. Nut processing	c
13. Olive processing	X
14. Sugar refineries	a
15. Tannery, hide curing	a
16. Wineries, distilleries	a

B. ASSEMBLY, FABRICATION AND MANUFACTURING

1. Agricultural equipment and machinery	c
2. Aircraft, auto, boat, bus, mobile home, motorcycle, RV, tractor, trailer and truck	c
3. Brick and concrete plants	a
4. Concrete and asphalt batch plants	a
5. Electrical appliances, instruments, parts and products	X
6. Electronic equipment, instruments, parts and products	X
7. Forges and foundries	a
8. Ice manufacture and storage	X

USES	I
9. Manufacturing, assembly, compounding or treatment of articles or merchandise from the following previously prepared materials:	
Canvas	X
Chemicals	a
Clay	X
Cloth	X
Cork	X
Feathers	X
Felt	X
Fiber	c
Fiberglass and resins	a
Fur	X
Glass	X
Hair	X
Leather	X
Paper	c
Pharmaceuticals	a
Precious or semiprecious stones or metals	X
Plaster	X
Rubber	a
Textiles	X
Wood	c
Yarn	X

USES

I

- | | |
|---|---|
| 10. Metal fabrication | a |
| 11. Millwork, planing mills, saw mills, wood products | a |
| 12. Photographic equipment and materials, film processing | X |
| 13. Printing, lithography and book binding | X |
| 14. Sign manufacture | X |

C. AUTO, BOAT, RV, BUS, TRUCK AND TRUCK TRAILER SERVICE

- | | |
|---|---|
| 1. Agricultural equipment and machinery sales and service | c |
| 2. Auto electric and ignition | X |
| 3. Batteries | X |
| 4. Brakes | X |
| 5. Dump station for recreational vehicles | a |
| 6. Glass | X |
| 7. Mufflers | X |
| 8. Painting | c |
| 9. Parts | b |
| 10. Radiators | X |
| 11. Repair and overhaul | c |
| 12. Service stations | X |
| 13. Tire recapping and retreading | X |
| 14. Tire sales | X |
| 15. Truck and truck trailer sales and service | X |

USES	I
16. Transmissions	X
17. Upholstery	X
D. INDUSTRIAL YARD USES	
1. Auto wrecking and salvage	f
2. Building materials and lumber sales yards	a
3. Contractor storage yards	a
4. Feed yards	c
5. Fuel yards, coal and wood	X
6. Grading stations	c
7. Heavy equipment storage, service and repair yards	a
8. Heliports	a
9. Junk, scrap and used materials yards	f
10. Parking facilities, including truck and trailer parking, park and ride lots	X
11. Pipe storage	X
12. Plant nurseries, wholesale	X
13. Public scales	X
14. Recycling facilities	a
15. RV, boat, auto, truck and trailer storage	X
16. Truck term	c
E. REPAIR, SERVICE AND INCIDENTAL SALES	
1. Communication and public utility distribution and service facilities	c

USES	I
2. Delivery service	X
3. Equipment rental	X
4. Janitorial service	X
5. Laundry and dry cleaning plants	X
6. Pest control service	a
7. Shop uses:	
Blacksmith	a
Cabinet, carpenter, woodworking	c
Contractors	X
Electrical	X
Electric motor rebuilding	X
Heating and air conditioning	X
Hydraulic, well drilling equipment	X
Machine	X
Pipe	X
Plumbing	X
Pool service	X
Pumps, irrigation and sprinkler systems	X
Sheet metal	c
Upholstery	X
Welding	c
8. Taxicab service and storage	X
9. Trade schools	c
10. Tree service	X

USES

I

F. STORAGE AND WAREHOUSE USES

- | | |
|---|---|
| 1. Agricultural chemicals and fertilizer sales and storage | a |
| 2. Bottled gas distribution and storage | c |
| 3. Cold storage plants, frozen food lockers | |
| 4. Grain elevators, bean, feed, grain and seed processing and storage | a |
| 5. Mini-storage facilities | X |
| 6. Petroleum distribution and storage | a |
| 7. Warehousing, including furniture and household goods | X |
| 8. Wholesaling and distributing, excluding explosive, flammable and toxic materials | X |
| 9. Wholesaling, distribution, storage and testing of explosive, flammable and toxic materials | X |

G. MISCELLANEOUS USES

- | | |
|--|---|
| 1. Accessory buildings and uses customarily appurtenant to a permitted use | X |
| 2. Agriculture, general | X |
| 3. Mixed use developments | a |
| 4. Offices | e |
| 5. Outdoor advertising signs | g |
| 6. Passenger terminals | c |
| 7. Public and quasipublic building and uses appropriate to the area | c |

USES	I
8. Research and development facilities	a
9. Residence for a caretaker or watchman	b
10. Cafes and coffee shops, serving the industrial area	x
11. Temporary outdoor uses	d
12. Testing laboratories, excluding explosive, flammable and toxic materials	x
13. Wells, gas and oil	a

(Ord. 83-05 §5(part), 1983)

17.60.030 Special conditions. The following special conditions apply to those land uses indicated by corresponding letter in Table 3:

- a. Conditional use permit required.
- b. Accessory use, incidental to principal use.
- c. Conditional use permit required if abutting any residential zone.
- d. Temporary outdoor uses such as Christmas tree sales, farmer markets, fireworks sales and other promotional events, for a period not to exceed thirty days subject to the approval of the commission. May be approved without public hearing.
- e. Permitted if intended to serve the industrial or agricultural area, i.e., accountants, architects, engineers, grain buyers, insurance and real estate. Conditional use permit required.
- f. Permitted provided the uses are located not less than five hundred feet from a more restrictive zone, the yard area is enclosed by a solid fence not less than six feet high, none of the material is stored higher than the fence and a conditional use permit is obtained.
- g. Nonanimated and nonflashing signs permitted. The maximum height of all such signs, plus separate standing advertising structures, if any, shall be thirty-five feet. (Ord. 83-05 §5(part), 1983)

17.60.040 Height regulations. There are no height limitations in an I zone, except that within two hundred feet of any residential or agricultural zone designated for future residential development in the general plan, no principal building shall exceed seventy-five feet in height except as provided in Chapter 17.76. (Ord. 83-05 §5(part), 1983)

17.60.050 Yard requirements. A. Front yard: 8 feet.
B. Side yards:

Interior side: None, except when abutting a residential zone, then not less than required for said residential zone.

Street side of corner lot: Same as front yard with the addition of the visibility triangle required by Chapter 17.68.

C. Rear yard: None, except when abutting a residential zone, then not less than ten feet. (Ord. 83-05 §5(part), 1983)

17.60.060 Performance standards. A. Front landscaping area shall extend to the valley gutter.

B. A conditional use permit shall be required for assembly, fabricating, manufacturing, processing or storage of goods, materials or products in buildings or enclosed yards which may create dust, fumes, noise, odors, smoke or vibration in volumes to be offensive or objectionable beyond the premises.

C. Fencing and landscaping adequate to screen development from adjacent residential zones along rear and side property lines.

D. Outside storage of solid wastes and containers for solid waste, containers, merchandise, or other items or goods awaiting pickup, sale, or other disposition shall be prohibited except when screened to the satisfaction of the commission.

E. Additional landscaping may be required in order to provide an aesthetically pleasing entrance to the city.

F. Light sources shall be directed and shielded so as to not illuminate neighboring residential areas. (Ord. 83-05 §5(part), 1983)

Chapter 17.64SPECIAL PROVISIONSSections:

- 17.64.010 Accessory buildings and uses.
- 17.64.020 Alternate energy sources.
- 17.64.030 Bonus incentive projects.
- 17.64.040 Deep lot development.
- 17.64.050 Fallout shelters.
- 17.64.060 Fences.
- 17.64.070 Home occupations.
- 17.64.080 Mobile homes (manufactured homes) trailers, mobile home and RV/travel trailer parks.
- 17.64.090 Nonconforming uses.
- 17.64.100 Site plan review.
- 17.64.110 Garage and yard sale restrictions.
- 17.64.120 Exemption from Solar Shade Control Act.
- 17.64.130 Small collection facilities.

17.64.010 Accessory buildings and uses. A. Accessory buildings shall meet the following requirements:

1. An accessory building shall be erected detached from the main building.
2. Any accessory building in a residential zone, including guest houses, shall be located on the rear one-half of the lot and at least ten feet from any dwelling on the lot.
3. Any accessory building in a nonresidential zone shall be located at least ten feet from any building on the lot and shall conform to the building setback requirements for that zone.
4. On a corner lot the accessory building shall not project beyond the front yard required on the adjacent lot.
5. Accessory buildings shall not occupy more than thirty percent of the required rear yard.
6. Except for guest houses, accessory buildings shall not be used for dwelling purposes.
7. An accessory building in a residential zone shall not exceed sixteen feet in height.
8. An accessory building in a nonresidential zone shall not exceed the permitted height for principal buildings in the zone in which it is located.

B. Accessory uses shall be those uses customarily appurtenant to a permitted use and shall be clearly incidental to the permitted use. (Ord. 83-05 §5(part), 1983)

17.64.020 Alternate energy sources. A. Purpose. The purpose of this section is to encourage and promote the use of alternate energy sources by providing solar and wind access protection.

B. Solar Energy Collection Systems.

1. When a solar energy collection system is installed on a lot, any accessory structure or vegetation on an abutting lot shall not be located so as to block the solar collector's access to solar energy. The portion of the solar collector that is protected is that portion which:

a. Is located so as not to be shaded between the hours of ten a.m. and three p.m. by a hypothetical twelve-foot obstruction located on the lot line; and

b. Has an area of not greater than one-half of the heated floor area of the structure, or the largest of the structures served.

2. This section does not apply to accessory structures or vegetation existing on an abutting lot at the time of installation of the solar energy collection system, or on the effective date of the ordinance codified in this chapter, whichever is later. This section controls any accessory structure erected on, or vegetation planted on, abutting lots after the installation of the solar energy collection system.

3. A copy of the building permit for the solar energy collection system shall be kept on file with the building division. The solar facility must be completed and have a final inspection, approved by the building inspector, within one calendar year from the date the building permit is issued.

C. Clotheslines. It shall be unlawful to establish any private covenant or restriction which prohibits the installation and/or use of a clothesline in any residential zone.

D. Wind Energy Conversion Systems (WECS). Wind energy conversion systems shall be permitted in all zones subject to the following requirements:

1. Definitions.

a. "Wind energy conversion system" means a machine that converts the kinetic energy in the wind into a usable form of electrical or mechanical energy (commonly known as a wind turbine or windmill). The WECS includes all parts of the system except the tower and the transmission equipment.

b. "Overspeed control" means a mechanism used to limit the speed of blade rotation to below the design limits of the WECS.

c. "Swept area" means the largest area of the WECS which extracts energy from the wind stream. In a conventional propeller-type WECS there is a direct relationship between swept area and the rotor diameter.

d. "Dominant wind direction" means the direction from which eighty percent of the energy contained in the wind flows.

e. "Total height" means the height of the tower and the furthest vertical extension of the WECS.

2. Building Permit Application for a WECS. Building permit applications for a wind energy conversion system shall be accompanied by a plot plan drawn in sufficient detail to clearly describe the following:

- a. Property line and physical dimensions of the site;
- b. Locations, dimensions, and types of existing structures and uses on site;
- c. Location of the proposed WECS;
- d. Location of all aboveground utility lines on-site or within one radius of the total height of the WECS;
- e. Location and size of the largest structure taller than thirty-five feet or tree which may potentially grow taller than thirty-five feet during the lifetime of the WECS within a five-hundred-foot radius of the proposed WECS.

3. General Provisions. Installation of all wind energy conversion systems shall comply with the following requirements:

- a. Size. This title covers those WECS whose swept area is five hundred square feet or less. For conventional propeller WECS, this would be approximately twenty-five feet diameter.

- b. Compliance with Uniform Building Code. Building permit applications shall be accompanied by standard drawings of the structural components of the wind energy conversion system and support structures, including base and footings. The application shall also include engineering data and calculations to demonstrate compliance of the support structure with seismic and structural design provisions of the Uniform Building Code. Drawing and engineering calculations shall be certified in writing by a California-registered structural engineer. This certification can be supplied by the manufacturer.

Where the structural components of an installation vary from the standard design or specification, the proposed modifications shall be certified by a California-registered structural engineer for compliance with the seismic and structural design provisions of the Uniform Building Code.

All equipment and materials shall be used or installed in accordance with such drawings. The above certifications by a California-registered structural engineer shall be deemed to satisfy all applicable requirements of the Uniform Building Code.

- c. Compliance with National Electrical Code. Building permit applications shall be accompanied by a drawing identifying the location of metering protection and control devices, and transformer equipment in sufficient detail to allow for a determination that the manner of installation will conform to Articles 250 (grounding), 280 (lightning

arrestors), 300 (wiring methods), 320 (conductors for general wiring), 430 (motors), 445 (generators), and 450 (transformers and transformer vaults) of the National Electrical Code. The application shall include a statement from a California-registered electrical engineer indicating that the electrical system conforms with good engineering practices and complies with the above Articles of the National Electrical Code. All equipment and materials shall be used or installed in accordance with such drawings and diagrams. This certification can be supplied by the manufacturer.

Where the electrical components of an installation vary from the standard design or specifications, the proposed modifications shall be reviewed and certified by a California-registered electrical engineer for compliance with the requirements of the National Electrical Code and good engineering practices.

The above certification by a California-registered electrical engineer shall be deemed to satisfy all applicable requirements of the National Electrical Code.

d. Rotor Safety. Each wind energy conversion system must be equipped with both manual and automatic controls to limit the rotational speed of the blade below the design limits of the rotor. The application must include a statement by a California-registered engineer certifying that the rotor and overspeed controls have been designed and fabricated for the proposed use in accordance with good engineering practices. The engineer should also certify the compatibility of possible towers with available rotors. That certification can be supplied by the manufacturer.

e. Guy Wires. Anchor points for guy wires shall be located within property lines and not on or across any aboveground electric transmission or distribution line. Guy wires shall be enclosed by a fence six feet high or the WECS shall be set back from the property line the total height of the WECS.

f. Tower Access. Lattice towers capable of being climbed shall be enclosed by a locked, protective fence at least six feet high located not closer than eight feet from the ground. Other towers should have either: (i) tower-climbing apparatus located not closer than twelve feet from the ground; (ii) a locked anticlimb device installed on the tower; or (iii) the tower shall be completely enclosed by a locked, protective fence at least six feet high.

g. Noise. The WECS shall meet the requirements of the noise element of the general plan.

h. Electromagnetic Interference. A wind energy conversion system shall comply with the provisions of 47 C.F.R., Parts 15 and 18. The wind energy conversion system shall be operated such that no harmful interference is

caused. When notified by a city building inspector that a wind energy conversion system is causing harmful interference, the owner or operator shall promptly take steps to eliminate the harmful interference.

i. Signs. At least one sign shall be posted at the base of the tower warning of high voltage. The sign shall also include:

- i. Emergency phone number; and
- ii. Emergency shutdown procedures.

j. Utility Notification. No wind turbine shall be interconnected with a utility company's grid until said company has been notified in accordance with procedures established by the California Public Utilities Commission.

k. Height. The minimum height of the lowest part of the WECS shall be either thirty feet above the highest structure allowed under the local zoning requirement or potential tree height, whichever is higher, if it is within a two-hundred-foot radius. If an obstruction is within a two hundred one to five hundred foot radius, the lowest part of the WECS shall be ten feet above it.

l. Setbacks. The WECS shall be located such that the furthest extension of the apparatus does not cross any property lines, except as provided for under subsection 3 e.

m. Abatement. If a wind energy conversion system or systems are not maintained in operational condition and pose a potential safety hazard, the owner or operator shall take expeditious action to remedy the situation. The city reserves the authority to abate any hazardous situation and to pass the cost of such abatement on to the owner or operator of the system. If the city determines that the WECS has been abandoned, the system shall be removed within thirty days of written notice to the owner or operator of the system.

n. Liability Insurance. The applicant, owner, lessee, or assignee shall maintain a current insurance policy which will cover installation and operation of the wind energy conversion system at all times. The policy shall provide a minimum of five hundred thousand dollars property and personal liability coverage. (Ord. 83-05 §5(part), 1983)

17.64.030 Bonus incentive projects. A. A developer entering an agreement pursuant to Government Code Section 65915 to construct at least twenty-five percent of the total units of a housing development for persons of low or moderate income or, in the alternative, ten percent lower income housing units, as defined in California Health and Safety Code Section 50093, shall be eligible for a bonus incentive if the housing development consists of five or more dwelling units.

B. Projects involving bonus incentives shall be required to obtain a conditional use permit from the commission.

C. Each bonus incentive made available to a developer by the commission shall be made by condition listed on the conditional use permit.

D. Bonus incentives which the city may agree to provide include, but are not limited to, the following:

1. Construction by the city of such public improvements as streets, sewers and sidewalks, street name and traffic signs, water mains, storm drains, and streetlights;

2. Use of federal, state or local funds to reduce property costs;

3. Exemption from city ordinances that directly increase housing costs but not if a city ordinance implements a state imposed requirement;

4. Waive the filing or processing fees on permits and applications;

5. Exempt the development from utility connection charges for sewer and water hook-ups;

6. Waive development fees for drainage and/or sanitary sewer facilities;

7. Reduce local building, housing or zoning standards that indirectly boost housing costs, such as minimum square footage, off-street parking requirements, height limitations, or lot setback requirements.

Density increases of at least twenty-five percent over those otherwise allowable in a residential zone also may be granted to a developer upon determination that other bonus incentives are not appropriate. General plan density standards, however, may not be exceeded.

E. Limitations on use of low or moderate income housing constructed by a developer benefiting from provisions of this title shall, at minimum, apply as follows:

1. If the city uses public funds to finance public improvements, reduce land costs, or subsidize actual construction, the low or moderate income units must be available to qualified persons and families for thirty years (Government Code Section 65916).

2. If the city grants a density bonus to a developer, the developer shall certify that the low or moderate income units were sold or rented to qualified persons and families.

In addition, reasonable conditions may be imposed to assure availability of such housing as low or moderate income housing. (Ord. 83-05 §5(part), 1983)

17.64.040 Deep lot development. The R-1 single-family zone normally permits only one dwelling on each lot and the R-2 duplex zone normally permits only one duplex on each

lot. The city recognizes, however, that these regulations may be a hardship on the owners of those lots which exceed one hundred sixty feet in depth. It is also recognized that the location of existing buildings, the lack of sufficient lot area, street frontage or surrounding development make it impossible to further subdivide the property. In such cases, the commission is authorized to approve additional dwelling units on the property subject to certain conditions including the preservation of the character and density of the neighborhood. The following regulations shall apply:

A. Deep Lot Definition. A deep lot in the R-1 or R-2 zone is any lot which has an average depth in excess of one hundred sixty-five feet.

B. Restrictions. No deep lot may be developed pursuant to this section if the property is physically capable of further subdivision with public streets and standard size lots. The property on which the development is constructed shall remain as one unsubdivided parcel.

C. Special Conditions.

1. The total number of units permitted on the property is determined by dividing the net area of the property by five thousand five hundred square feet. Any dwelling unit or units now existing on the property must be included in the total number of units permitted. A remaining fraction of two thousand seven hundred fifty square feet or more shall permit one additional dwelling unit.

2. Type of Dwelling Unit.

a. R-1 Zone. All dwelling units shall be detached single-family units.

b. R-2 Zone. Dwelling units may be either detached single-family units or duplex units.

3. Access. An access or driveway not less than ten feet in width for single-family units or twenty feet in width for duplex units must be provided from the street past the front unit(s) to the rear unit(s).

4. Parking. At least two off-street parking spaces shall be provided on the property for each dwelling unit.

5. Setbacks and Yard Requirements. Minimum setbacks and yard requirements shall be those required for the zone in which the property is located.

6. Utilities, utility connections and extensions shall be as required by city code.

D. Procedure for Obtaining Permit.

1. Verify that property qualifies for deep lot development.

2. Prepare an accurate plot plan of property to scale. Show all property lines; existing and proposed buildings; off-street parking spaces; trees and other information necessary to explain the proposed development. Setbacks from property lines, distances between buildings, and parking spaces should be dimensioned.

3. Submit two copies of plot plan to the commission for approval. After approval by the commission, a building permit may be obtained. (Ord. 83-05 §5(part), 1983)

17.64.050 Fallout shelters. Fallout shelters are permitted as principal or accessory buildings and uses in any zone. Fallout shelters constructed above ground must conform to the setback requirements for accessory buildings in the particular zone in which they are located. Underground shelters may be constructed any place in the front, rear or side yards; but may not extend across a property line or into a public utility easement. Such shelters may contain or be contained in other structures or may be constructed separately. In addition to fallout shelter use they may be used for any other use permitted in that zone, subject to the zoning regulations for such use, but shall not be used for any use prohibited in that zone. (Ord. 83-05 §5(part), 1983)

17.64.060 Fences. A. General. All fences or walls over three feet six inches in height shall conform to the front and street side yard building setback requirements for the zone in which they are located. Fences up to eight feet in height may be erected along any rear or interior side lot line so long as they do not project beyond any established front yard setback line.

B. Swimming Pool Fences.

1. The swimming pool, or the entire property on which it is located, shall be so walled or fenced as to prevent uncontrolled access by children from the street or adjacent properties; and where located less than thirty feet from any property line shall be screened by a fence or wall not less than six feet in height on the side facing such property line. This fence or wall shall be constructed so that no object four inches or more in diameter can pass through.

2. The fences surrounding these pools shall be equipped with a self-closing and self-latching gate. The latch is to be at least four feet above ground level. (Ord. 83-05 §5(part), 1983)

17.64.070 Home occupations. No business registration (license) shall be granted for any home occupation business located in any residential zone unless the conduct and operation of the proposed business meets all of the following conditions:

A. No more than one home occupation shall be permitted in any dwelling unit and it shall be clearly incidental to the use of the structure or dwelling.

B. Such use must be conducted entirely within a dwelling or accessory building and carried on by the inhabitants thereof.

C. There shall be no storage of equipment or supplies other than samples in an accessory structure or outside the dwelling.

D. There shall be no external alteration of appearance of the dwelling in which a home occupation is conducted.

E. The use requires no additional off-street parking space(s).

F. A home occupation shall not involve the use of any material, other than craft or art supplies, or mechanical equipment other than customarily incidental to domestic use.

G. The following uses are not permitted as home occupations:

1. Those which do not meet the provisions above;
2. Those which entail the repair, manufacture, processing or alteration of goods, materials, or objects, including upholstering; however, this shall not exclude dress-making, tailoring and the manufacturing of arts and crafts items intended for off-premises sale where no equipment or process is used which creates an adverse impact on the neighborhood;
3. Those which entail the harboring, training or raising of dogs, cats, birds or other animals;
4. Those which entail vehicle painting, repair and/or body and fender work;
5. Barbershops, beauty parlors, music schools, dancing schools, business schools or schools of any kind with organized classes. (Ord. 83-05 §5(part), 1983)

17.64.080 Mobile homes (manufactured homes) trailers, mobile home and RV/travel trailer parks. A. Storage. One mobile home, camper, motor home or trailer may be stored off the street and on a property, provided that no living quarters shall be maintained or any business conducted in connection therewith while such vehicle is so parked or stored, except as otherwise provided in this section.

B. Mobile Home Parks. The following minimum requirements shall be observed:

1. Site size: 5 acres minimum.
2. Density: Cannot exceed the maximum density permitted in the zone;
3. All mobile home parks shall conform to the provisions of the Mobile Home Parks Act, Division 13, Part 21, California Health and Safety Code, and Title 25, Chapter 2, California Administrative Code.
4. A conditional use permit shall have been obtained from the commission.

C. RV/Travel Trailer Parks.

1. A recreational vehicle/travel trailer park shall accommodate recreational vehicles only.

2. Toilets and lavatories for the exclusive use of the occupants shall be provided on the basis of one toilet for each sex, for each fifteen spaces or fraction thereof.

3. A recreational vehicle shall not be located closer than three feet from a property line or lot line.

4. Each space in a travel trailer park shall have direct access to a roadway.

5. All travel trailer parks shall conform to the provisions of the Mobilehome Parks Act, Division 13, Part 21, California Health and Safety Code, and Title 25, Chapter 2, California Administrative Code.

6. A conditional use permit shall have been obtained from the commission.

D. Mobile Homes (Manufactured Homes) in Residential Zones.

1. Eligibility. A mobile home shall be eligible if it:

a. Is to be occupied only for residential purposes;

b. Conforms to all of the residential use development standards for single-family structures applicable to the zone;

c. Is certified under the National Manufactured Housing Construction and Safety Standards Act of 1974, and has been constructed after June 15, 1976;

d. Is attached to a permanent foundation system approved by the building division.

2. Compatibility. A mobile home shall be compatible if:

a. It is a double-wide or larger multisectional unit (minimum width of twenty feet);

b. It is covered with an exterior material commonly found on new conventionally built residential structures in the surrounding area;

c. The exterior covering material extends to the ground. If a solid concrete or masonry perimeter foundation is used, the exterior covering material need not extend below the top of the foundation;

d. The roofing material is composition shingles or other materials commonly found on conventionally built residential structures in the surrounding area;

e. The roof has a pitch of not less than either two inches of vertical rise for each twelve inches of horizontal run or the pitch commonly found on conventionally built residential structures in the surrounding area, whichever is greater;

f. The roof has eave and gable overhangs of not less than one foot measured from the vertical side of the

mobile home, or not less than that commonly found on conventionally built residential structures in the surrounding area, whichever is greater;

g. It has an enclosed garage or a carport if either is commonly found with new conventionally built structures in the surrounding area. Otherwise a minimum of two paved off-street parking spaces located behind the building setback line is required;

h. The finish floor is a maximum of twenty-four inches above the exterior finish grade of the lot measured at the foundation.

E. Mobile Homes as Supplemental Housing. Mobile homes are permitted on property located in any residential zone necessary to provide supplemental housing for the care of the ill or the infirm and may be used by either those providing care or receiving care, subject to the following:

1. Approval as a Conditional Use. Approval shall be for a period of one year except as hereinafter provided. The property owner may renew such permit each year by reaffirmation of the need to provide care and the payment of a renewal fee in an amount set by resolution of the city council from time to time.

2. The mobile home shall be accessory to and located in a reasonable relationship to an existing occupied single-family dwelling. Approval shall be given only upon finding that the proposal is consistent with the availability of adequate sewer and water facilities, a provision of vehicular access and off-street parking.

3. Not more than one such mobile home shall be permitted on any one parcel.

4. The single-family home to which the mobile home is accessory shall not be rented or leased except by persons who are related by blood or marriage to an occupant of the single-family home to which it is accessory.

5. An approved conditional use permit for the mobile home shall become invalid if the parcel on which it is located is sold or leased.

6. The mobile home shall be removed from the premises and the city manager notified when the need to provide care no longer exists.

7. Applications for accessory mobile homes shall be subject to the following standards and conditions:

a. Maximum aggregate lot coverage by primary and accessory structures shall not exceed forty percent of the lot;

b. Approval by the building inspector of a drainage plan;

c. Approval by the building inspector of a plan for sewage disposal;

d. Commission shall perform architectural review to assure that the project will be harmonious with surrounding uses;

e. Approval by the commission of a landscape plan detailed yard areas for the mobile home;

f. Applicants shall provide verification from a medical doctor certifying that the illness or infirmity is sufficiently serious to require personal care by someone living on the property. Verification shall be made on forms provided by the commission. It shall be the option of the commission to determine if medical verification is required for permit renewals. (Ord. 83-05 §5(part), 1983)

17.64.090 Nonconforming uses. A. Continuing Existing Buildings and Uses. Except as hereinafter provided, any use of land, building or structure, lawfully existing at the time of the adoption of this chapter may be continued, even though such use, building or structure may not conform to the provisions of this title of the zone in which it is located.

B. Nonconforming Buildings and Structures.

1. Maintenance and Repair. A nonconforming building or structure may be maintained or repaired as required to keep the building or structure in sound condition, provided however, that no structural alterations shall be made except those required by the building inspector.

2. Additions and Enlargements. No building or structure nonconforming as to use, lot area, or yard width or depth regulations, may be added to or enlarged unless such nonconforming building or structure and the additions and enlargements thereto and the use thereof are all made to conform to the regulations of the zone in which it is located.

3. Relocation. A nonconforming building shall not be moved to any other lot or to any other portion of the lot on which it is presently located unless as a result of the move the building shall conform to the regulations of the zone in which it will be located after the move.

4. Restoration--Damaged Buildings. A nonconforming building or structure which is damaged or partially destroyed by any reason to an extent of not more than fifty percent of its market value at that time, may be restored and the occupancy or use of such building or structure may be continued or resumed, provided such restoration is started within a period of one year and is diligently prosecuted to completion. In the event such damage or destruction exceeds fifty percent of the market value of the building or structure, no repairs or reconstruction shall be made unless every portion of such building or structure is made to conform to all regulations for new buildings in the zone in which it is located.

C. Nonconforming Use of Buildings.

1. Extension of Use. A nonconforming use may not be extended to other parts of a building unless authorized by the commission.

2. Change of Use. The nonconforming use of a building may be changed to another nonconforming use, which, in the opinion of the commission, of the same or of a more restrictive nature.

D. Vacancy. Any nonconforming use of land and/or building or structure which becomes vacant and remains unoccupied for a continuous period of one year shall not thereafter be occupied except by a use which conforms to the use regulations of the zone in which it is located. (Ord. 83-05 §5(part), 1983)

17.64.100 Site plan review. A. Site plan approval is intended to promote orderly, attractive, and harmonious development, recognize environmental limitations on development, stabilize land values and investments, and promote the general welfare by preventing establishment of uses or erection of structures having qualities which would not meet the specific intent clauses or performance standards of this title or which would not properly relate to their sites, surroundings, traffic circulation, or environmental setting. Where the use proposed, adjacent land uses, environmental significance or limitations, topography, or traffic circulation are found to so require, the director of public works may establish more stringent regulations for site plans than those otherwise specified for the zone.

B. Except as otherwise provided in this section, site plan approval shall be required for all uses requiring a building permit and such other uses as are expressly designated in this title. Site plan approval shall occur prior to the approval of construction plans required for the issuance of a building permit. Construction or installation of improvements shall be completed pursuant to an approved site plan prior to the issuance of a building occupancy permit.

C. Any use requiring site plan approval shall be required to apply to the director of public works for site plan review. The application shall be deemed complete when a completed application together with a filing and investigation fee as prescribed by city council resolution are presented to the director of public works.

D. Applications for site plan approval shall consist of a statement of the use proposed and the following:

1. A site plan to scale showing:
 - a. North arrow,
 - b. Property lines,
 - c. Adjoining streets, alleys, and adjacent off-site improvements,
 - d. Locations and dimensions of existing and proposed improvements, including buildings, fencing, landscaping, irrigation system, off-street parking, trash enclosures, and on-site drainage as appropriate;
2. Building elevations;

3. Conformance with planning commission conditions of approval;

4. Any other data or dimensions necessary to show that all provisions of this title are fulfilled.

E. Site plans shall be reviewed to determine whether the use proposed meets the requirements for the zone, and whether more stringent regulations are necessary to guarantee the adequacy and appropriateness of the following:

1. Landscaping, including signing and lighting review;
2. Parking requirements, including type of surface material;
3. On-site and off-site drainage improvements and/or fees;
4. Fencing requirements;
5. Hours of operation;
6. Location and position of uses and buildings on property;
7. Noise level limitations;
8. Access location and encroachment standards;
9. Building design (exterior);
10. Grading requirements;
11. Other department or agency requirements;
12. Other requirements deemed necessary and proper to protect the health, safety, and welfare of the residents of the city.

F. Site plan approval shall not be required for any of the following uses:

1. Interior building remodels;
2. Minor alterations on building exteriors not requiring building permit;
3. Repair and maintenance of structures or parking areas.

G. The director of public works shall approve a site plan if he finds that the use proposed and site plan submitted are in compliance with the requirements and intent of the applicable provisions of this title, other applicable provisions of this code, all applicable standards and specifications for the city, and commission conditions of approval. If the director of public works finds otherwise, he shall disapprove the site plan or approve the plan subject to such specified conditions, changes, or additions as will assure compliance.

H. The director of public works' action on a site plan shall be final unless, within ten calendar days after the decision, the applicant or any other person not satisfied with the decision appeals in writing to the commission. The appeal shall be accompanied by a filing fee as prescribed by city council resolution. At its next regular meeting after the filing of the appeal, the commission shall set a date for a public hearing and shall give written mailed notice of the hearing at least ten calendar days prior to the hearing

to the appellant, the applicant, and neighboring property owners, any part of whose property lies within a radius of three hundred feet of the applicant's property, using for this purpose names of such owners as are shown on the last equalized assessment roll, or alternatively, from such other records of the assessor or the tax collector as contain more recent addresses. Failure to receive such notice shall not invalidate the action of the commission. After the close of the public hearing, the commission may approve, conditionally approve, or deny any site plan appealed to it. The commission's action on the appealed site plan shall be final. (Ord. 87-12 §1, 1987: Ord. 83-05 §5(part), 1983)

17.64.110 Garage and yard sale restrictions. A. Purpose. The purpose of this section is to permit a garage sale or yard sale in a residential zone subject to certain restrictions designed to protect the character of residential zones and the peace, privacy, safety and general public welfare of persons within such zones.

B. Garage, Patio, or Yard Sale Defined. See Section 17.12.240. For the purposes of this title, premises of churches, charitable organizations, schools and other non-profit organizations are not residences as defined therein and expressly are not subject to the restrictions applicable to a garage, patio or yard sale defined herein.

C. Restrictions. A garage, patio or yard sale as hereinabove defined may be conducted only as follows:

1. No more than two sales may be conducted in any one calendar year.

2. Each sale shall last no more than two consecutive days beginning each day no earlier than eight a.m. and ending no later than eight p.m., and shall be held no sooner than ninety calendar days after a prior sale.

3. Only a temporary advertising sign conforming to the standards and regulations of this title shall be permitted, and posting the sign earlier than one day prior to the sale or for more than one day after the sale shall be prohibited.

4. Personal property sold at a sale shall not include secondhand goods obtained for purposes of resale.

D. Enforcement. The procedure for enforcement is as set forth in Chapter 17.96; provided, however, that the enforcement official shall give only a warning for a first violation of the provisions of this chapter upon a written promise by the violator that no further violations shall occur. (Ord. 83-05 §5(part), 1983)

17.64.120 Exemption from Solar Shade Control Act. The provisions of the Solar Shade Control Act, Section 25980 et seq. of the California Public Resources Code, shall not apply to the city of Hughson. (Ord. 84-05 §1, 1984)

17.64.130 Small collection facilities. A. The purpose of this section is to permit small collection facilities in commercial zones as an accessory use to retail stores and shops subject to certain restrictions designed to protect the character of commercial zones and the peace, health, safety, and general public welfare of persons and businesses within such zones.

B. For the purposes of this section, "small collection facility" means a center for the acceptance of donation, redemption, or purchase, of recyclable material from the public, which occupies an area of not more than five hundred square feet. A small collection facility may include:

1. A mobile unit;
2. Reverse vending machines or a grouping of reverse vending machines occupying more than fifty square feet;
3. Kiosk-type units which may include permanent structures;
4. Unattended containers placed for the donation of recyclable materials.

C. A small collection facility may be permitted in any commercial zone upon a finding by the director of public works that the facility is an accessory use to a retail store or shop which is in compliance with the zoning, building, and fire codes of the city and that the facility's operation is compatible with the retail store or shop and the neighborhood, and provided the facility complies with the following conditions:

1. The facility shall be no longer than five hundred square feet.
2. The facility shall accept only glass, metals, plastic containers, papers, and reusable items. Used motor oil may be accepted with permission of the local public health officer.
3. The facility shall have a container for waste and/or rejected beverage containers.
4. The facility should be located in a surplus parking area and shall occupy no more than five parking spaces not including space needed periodically for the removal of materials or exchange of containers. Occupation of parking spaces by the facility and by the attendant parking shall not reduce required parking for the principal use by more than three spaces.
5. The facility shall be set back at least ten feet from any street line and shall not obstruct pedestrian or vehicular circulation.
6. The facility shall not remove handicap parking space.
7. The facility shall use no power-driven processing equipment except for reverse vending machines.
8. The facility shall be accessible for truck collection.

9. The facility shall use containers that are constructed and maintained with durable waterproof and rustproof material, covered when the site is not attended, secured from unauthorized entry or removal of material, and shall be of a capacity sufficient to accommodate materials collected and collection schedule.

10. The facility shall store all recyclable material in containers or in the mobile unit vehicle, and shall not leave materials outside of containers when attendant is not present. No bulk storage of material shall be allowed.

11. The facility shall be neat and attractive and shall be maintained free of litter and any other undesirable materials. Daily cleanup shall be required. Mobile facilities at which trucks or containers are removed at the end of each collection day shall be swept at the end of each such day.

12. The facility shall not exceed noise levels of 60 dBA as measured at the property line of residentially zoned or occupied property; otherwise, the noise levels shall not exceed 70 dBA.

13. The facility shall be located no closer than fifty feet from a residentially zoned or occupied property unless separated by a masonry noise wall or building.

14. Attended facilities located within one hundred feet of a residentially zoned or occupied property shall operate only during the hours between nine a.m. and seven p.m.

15. Containers shall be clearly marked to identify the type of material which may be deposited.

16. The facility shall be clearly marked to identify the name and telephone number of the facility operator and the hours of operation, and display a notice stating that no material shall be left outside the recycling enclosure or containers.

17. The facility may have signs that conform to the provisions of this title, state signing requirements, and, if appropriate, the comprehensive sign plan for the shopping center where the facility is located.

18. The facility shall not occupy or otherwise impair any existing landscaping.

19. Reverse vending machines shall be single-feed only (no bulk-feed machines).

20. Mobile recycling units shall have an area clearly marked to prohibit other vehicular parking during hours when the mobile unit is scheduled to be present.

21. Evidence of authorization of use of the facility site by the landowner or legal operator of the facility is required.

D. Site plan approval is required for all small collection facilities.

E. Small collection facilities shall require a business license and electrical permit.

F. There shall be no fee for processing applications for small collection facilities. (Ord. 87-12 §2, 1987)

Chapter 17.68

LANDSCAPING

Sections:

- 17.68.010 Purpose.
- 17.68.020 Submission.
- 17.68.030 General regulations.
- 17.68.040 Specific regulations.
- 17.68.050 Issuance of certificate of occupancy.
- 17.68.060 Maintenance of existing landscaping.

17.68.010 Purpose. The purpose of this chapter is to establish the necessary criteria, standards and limits for landscaping and to maximize the value of this land use along public rights-of-way and within parking lots. The provisions of this chapter are intended to accomplish the following:

- A. To provide a transition between land uses;
- B. To promote an attractive visual environment;
- C. To promote visual order;
- D. To encourage visual harmony between the landscape and development;
- E. To reduce air, noise and visual pollution. (Ord. 83-05 §5(part), 1983)

17.68.020 Submission. A. These requirements apply to all new construction except dwellings of two units or less on one parcel of land.

B. These requirements apply to additions to structures, except dwellings of two units or less which exceed forty percent of the gross floor area or two thousand square feet, whichever is greater. All additions will accumulate to determine eligibility under this requirement.

C. Three sets of landscape plans shall be submitted to the city manager for approval.

- D. The landscape plans shall contain:
- 1. A workable scale (preferred - one inch equals ten feet or larger);
 - 2. Property lines;
 - 3. Dimensions;
 - 4. Structures;

5. Irrigation system;
 6. Existing natural features;
 7. Grading plan.
- E. A plant list must be submitted:
1. Keyed to the plan;
 2. Botanical name;
 3. Common name;

4. Sizes at planting;
5. Estimated sizes at maturity;
6. Quantity of each.

F. The review shall:

1. Determine if the landscape plan is compatible with the adjacent properties and the surrounding neighborhood;
2. Determine if the landscaping plan complies with this chapter;
3. Provide staff advice. (Ord. 83-05 §5(part), 1983)

17.68.030 General regulations. A. There shall be a landscaped area eight feet wide along the public right-of-way. The width of the landscape strip may be reduced to no less than four feet when in the opinion of the commission the following conditions are met:

1. The total square footage of landscaped area remains constant.
2. This landscaping will not be counted as interior landscaping.

3. The reduction in the required width is consistent with the purposes of the landscape regulations of this chapter as set forth in Section 17.68.010.

B. All plantings shall be maintained in a healthy and attractive condition. Maintenance shall include but is not limited to watering, fertilizing, weeding, cleaning, pruning, trimming, spraying and cultivating.

C. Vegetative matter shall cover seventy-five percent of the required landscaped area.

D. Landscape structural features shall be maintained in sound structural and attractive condition.

E. Landscaping materials shall be contained so as not to spill into the public right-of-way.

F. Plantings shall be serviced by an acceptable irrigation system.

G. Replacement planting must conform to the original intent of the landscape design.

H. A fence or wall when used for required screening shall be seventy-five percent opaque.

I. When wood, masonry or metal are used for fencing or screening, plantings are required every ten feet along the barrier.

J. Required screen planting shall have a seventy-five percent summer opacity and sixty percent winter opacity within three years of planting.

K. Garbage and refuse collection areas shall be screened.

L. All open industrial storage shall be screened from all public rights-of-way and adjacent commercial or residential properties to a height of six feet.

M. Trees shall be equivalent to five gallon can size or larger when planted.

N. Shrubs shall be a minimum one gallon can size or larger.

O. One tree shall be planted at least every thirty-five feet along a public right-of-way.

P. Landscape designs which do not meet the specific regulations of this chapter may be approved by the commission if in its opinion the design meets the intent and purpose of this chapter as set forth in Section 17.68.010. (Ord. 83-05 §5(part), 1983)

17.68.040 Specific regulations. A. Sight Distance.

1. No foliage or structural features shall extend into the cross visibility area between three feet six inches and seven feet above the surface of the public sidewalk.

2. Cross Visibility. Intersection of driveways and public right-of-ways: A triangle having two sides ten feet long and running along the driveway and public right-of-way, said length beginning at their intersection and the third side formed by a line connecting the two ends.

B. Parking Lots and Drive-in Establishments. The following requirements shall apply to all open off-street parking areas and to all open off-street loading areas:

1. When a parking lot and public right-of-way are contiguous, a landscaped area will be provided as described in Section 17.68.030 which effectively screens the lot to a height of three and one-half feet.

2. Any site contiguous to or facing an R zone shall have its parking lots, loading docks, or similar uses screened from the R zone. This screen shall be six feet in height (see Section 17.68.030).

3. Shade trees shall be planted within the parking lot so that at the trees' maturity forty percent of the parking lot will be in shade at high noon at such time that the trees have full foliage.

4. Landscaping shall be provided as a screen along alleys, paths and private streets when they are adjacent to parking and loading areas with minimum planter width of three feet and height of three and one-half feet.

5. Not less than six percent of the interior areas of all parking lots and drive-ins establishments shall be devoted to landscaping which is permanently planted.

6. Interior landscaping shall be distributed throughout the parking area.

7. All landscaping shall be protected by front wheel retention strips. (Ord. 83-05 §5(part), 1983)

17.68.050 Issuance of certificate of occupancy. With respect to any landscaping for which submission of landscape plans is required pursuant to Section 17.68.010, no certificate of occupancy shall be issued for such structure until landscape plans have been carried out, and all the improvements described in such plans have been completed; nothing herein contained shall prevent the building official issuing a temporary certificate of occupancy where completion of the landscaping work is delayed either because of the season of the year or adverse weather. (Ord. 83-05 §5(part), 1983)

17.68.060 Maintenance of existing landscaping. All landscaping presently in existence on parcels having structures which would have been subject to the provisions of Section 17.68.020 had building permits for such structures been applied for after the effective date of this title, shall be maintained in accordance with the maintenance standards set forth in this chapter. For purposes of enforcement, the occupant of the property, whether he is the owner, lessor, or tenant, shall be responsible for such maintenance. (Ord. 83-05 §5(part), 1983)

Chapter 17.72

OFF-STREET PARKING AND LOADING

Sections:

- 17.72.010 Purpose.
- 17.72.020 Off-street parking requirements generally.
- 17.72.030 Development and maintenance of off-street parking areas.
- 17.72.040 Location of off-street parking facilities.
- 17.72.050 Minimum dimensions--Off-street parking areas.
- 17.72.060 Truck loading and unloading space.
- 17.72.070 General provisions.

17.72.010 Purpose. The purpose of this chapter is to provide accessible off-street parking facilities for the parking of self-propelled motor vehicles on public or private property in connection with the erection or major alteration, extension or change of use of any building or structure, unless otherwise stipulated, in the amounts as specified in this chapter. (Ord. 83-05 §5(part), 1983)

17.72.020 Off-street parking requirements generally.
Off-street parking space shall be provided in connection with the erection or major alteration, extension or change of use of any building or structure, in the following amounts:

- A. Single-family and duplex dwellings:
 - 1. A minimum of two parking spaces, contained within a garage, for each dwelling unit;
 - 2. Duplexes on corner lots must provide parking access from separate streets to no less than a double car garage for each dwelling unit.
- B. Multiple-family flats, apartment houses, apartment hotels, bungalow courts, court apartments, group or row dwellings and mobile home parks:
 - 1. Two parking spaces for each dwelling unit, of which, one must be covered.
- C. Bowling alleys:
 - 1. Five parking spaces for each lane.
- D. Churches and other places for worship, mortuaries and funeral homes:
 - 1. One parking space for each four seats in the main chapel or assembly room.
- E. Convalescent and nursing homes, homes for the aged, hospitals, sanitariums, and orphanages:
 - 1. One parking space for each four beds.
- F. Dancehalls, skating rinks, lodge halls and exhibition halls without fixed seats:
 - 1. One parking space for each one hundred square feet of floor area used for dancing or assembly.
- G. General commercial, manufacturing, warehouse and general storage:
 - 1. One and one-half parking spaces for each two thousand square feet or major fraction thereof of gross floor area or one space for each employee on duty at the same hours, whichever will provide the greater amount of parking spaces.
- H. Hotels:
 - 1. One parking space for each two guest rooms.
- I. Motels, auto courts, motor lodges and tourist courts.
 - 1. One parking space for each guest room
- J. Restaurants, retail stores, supermarkets, shopping centers, banks, business and professional offices.
 - 1. One parking space for each two hundred square feet of gross floor area. A minimum of five spaces shall be provided.
- K. Roominghouses, lodginghouses, club rooms, fraternity and sorority houses and dormitories:
 - 1. Having two or more guest rooms or four or more beds for guests, one parking space for each two guest rooms or four beds for guests.

L. Stadiums, ballparks and other outdoors sports arenas:

1. One parking space for each four seats.

M. Theaters, indoor sports arenas and auditoriums other than those incidental to public and parochial schools:

1. One parking space for each four seats.

N. Off-street parking requirements for uses not herein specified shall be determined by the commission. (Ord. 87-07 \$1, 1987: Ord. 83-05 \$5(part), 1983)

17.72.030 Development and maintenance of off-street parking areas. Every parcel of land hereafter used as a public or private off-street parking area, as required by this section, shall be developed and maintained as follows:

A. Every parking area shall be paved and maintained so as to eliminate dust or mud. All parking areas shall be graded and drained to provide for the on-site disposal of all surface water where no city storm drains are available. In no case shall such drainage be allowed to cross side-walks.

B. Every parking area not separated by a fence from any street or alley property line upon which it abuts shall be provided with a suitable concrete curb or timber barrier not less than six inches in height located not less than two feet from such street or alley line. Such curb or barrier shall be securely installed and maintained. No such curb or barrier shall be required across any driveway or entrance to the parking area.

C. Every parking area abutting property zoned for residential use shall be separated from such property by a solid wall, view-obstructing fence, or impact evergreen hedge of not less than six feet, except within front setback areas where the fence shall be reduced to three and one-half feet.

D. When, in the reconstruction or repair of an existing parking area, compliance with the chapter and Chapter 17.68 is required and such compliance would result in a reduction in the number of available parking spaces, the commission may grant a variance as to the number of parking spaces required or as to the area of landscaping required, or as to both.

E. Parking areas shall be used for automobile parking only with no sales, dead storage, repair work, dismantling or servicing of any kind.

F. If lighting is provided it shall be arranged to reflect away from the residential area, also from any public street or highway.

G. There shall be no parking in front yards of less than twenty-foot depth, except as provided in Section 17.72-.070.

H. Parking lots in front yard areas shall be separated from the sidewalk by screen planting or as provided in landscaping regulations. (Ord. 83-05 \$5(part), 1983)

17.72.040 Location of off-street parking facilities.

A. With the exception of commercial parking lots in any C or I zones, all public or private off-street parking facilities shall be located on the same property as the major land use it is intended to serve.

B. The commission shall have the authority to permit off-street parking facilities on property other than that on which the major land use it is intended to serve is located, subject to the following conditions:

1. If any portion of the off-street parking area is established to meet the minimum amounts specified for any major land use under this section, the off-street parking area shall be provided and maintained in the same ownership as that of the property on which the major land use is located.

2. A confidential use permit shall have been secured from the commission. (Ord. 83-05 §5(part), 1983)

17.72.050 Minimum dimensions--Off-street parking areas. A. All off-street parking facilities provided under the terms of this chapter shall comply with the following minimum dimensions for off-street parking and maneuvering space.

1. 90 Degree Angle Parking. Each parking space shall be not less than nine feet wide nor less than nineteen feet in length. Maneuvering space shall be not less than twenty-four feet in width. Total minimum width of parking area: forty-three feet.

2. 60 Degree Angle Parking. Each parking space shall be not less than nine feet wide perpendicular to the parking angle nor less than twenty-one feet in length; measured at right angles to the building, curb or bumper line. Maneuvering space shall be not less than eighteen feet in width perpendicular to the building or parking line. Total minimum width of parking area: thirty-nine feet.

3. 45 Degree Angle Parking. Each parking space shall be not less than nine feet wide perpendicular to the parking angle nor less than nineteen feet ten inches in length when measured at right angles to the building, curb or bumper line. Maneuvering space shall be not less than thirteen feet in width perpendicular to the building or parking line. Total minimum width of parking area: thirty-two feet ten inches.

4. 30 Degree Angle Parking. Each parking space shall be not less than nine feet wide perpendicular to the parking angle nor less than seventeen feet four inches in length when measured at right angles to the building, curb or bumper line. Maneuvering space shall be not less than eleven feet in width perpendicular to the building or parking line. Total minimum width of parking area: twenty-eight feet four inches.

B. The commission shall have the authority to establish and/or approve parking stall and maneuvering area dimensions for parking angles other than those specified herein.

C. When off-street parking facilities are located adjacent to a public alley, the width of said alley may be assumed to be a portion of the maneuvering space requirement.

D. A walkway, if provided, shall be in addition to the minimum requirement for parking and maneuvering space herein required.

E. Where off-street parking facilities are provided in excess of the amounts herein specified, or when off-street parking facilities are provided, but not required by this chapter, the off-street parking facilities shall comply with the minimum requirements for parking and maneuvering space herein specified. (Ord. 83-05 §5(part), 1983)

17.72.060 Truck loading and unloading space. On the same premises with every building devoted to retail trade, retail and wholesale food markets, warehouses, supply houses, wholesale and manufacturing trade, hotels, hospitals, laundry, dry cleaning establishments or other buildings where large amounts of goods are received or shipped, erected in any zone after the date of adoption of this title, there shall be provided loading and unloading space as follows:

A. One permanently maintained truck loading and unloading space for buildings having a gross floor area of seven thousand five hundred square feet or more, plus one additional space for each additional twenty thousand square feet or major fraction thereof.

B. Each loading space shall be not less than ten feet in width, twenty-five feet in length, and fourteen feet in height. (Ord. 83-05 §5(part), 1983)

17.72.070 General provisions. A. Existing off-street parking facilities shall not be eliminated nor reduced to an amount less than that required for new buildings.

B. Loading space, exclusive of driveways and/or corridors leading thereto, shall not be considered as supplying off-street parking space, nor shall anything in this chapter prevent the provision of parking space in excess of the amount specified.

C. Whenever any building is increased in size, whether by units or dimensions, or is moved from one lot to another, the following shall apply:

1. Parking Based on Square Feet of Building. Any building which is remodeled, altered, or enlarged thereby increasing its gross floor area so that it equals or exceeds

any minimum areas established for off-street facilities shall provide off-street facilities for the entire building, unless said addition constitutes less than fifteen percent of the original gross floor area in which case no additional parking facilities shall be required.

2. Parking Based on Units. Any building, which is remodeled, altered, or enlarged so as to provide more units, shall be required to provide and maintain off-street parking facilities for additional units, unless said units constitute less than fifteen percent of the original total units in which case no additional parking facilities shall be required.

3. Parking for Buildings or Structures Moved from One Lot to Another. Any building or structure which is moved from one lot to another shall provide parking in the amount required by this chapter for a new building or structure.

D. When units or measurements determining the number of required parking spaces result in requirements of a fractional space, the commission shall determine whether one additional parking space is required.

E. On any lot in any zone wherein a single-family or two-family dwelling is erected, the off-street parking space required by this chapter may be provided in the required front or street side yard area. (Ord. 83-05 §5(part), 1983)

Chapter 17.76

EXCEPTIONS AND MODIFICATIONS

Sections:

- 17.76.010 Purpose.
- 17.76.020 Height limits.
- 17.76.030 Yard exceptions and modifications.
- 17.76.040 Projections into required yards.

17.76.010 Purpose. The purpose of this chapter is to provide exceptions and modifications to the provisions of this title where such are necessary for the practical and uniform application of its regulations. (Ord. 83-05 §5 (part), 1983)

17.76.020 Height limits. Height limitations specified elsewhere in this title shall not apply to:

A. Barns, silos or other farm buildings or structures on farms, provided that these are located not less than fifty feet from every lot line;

B. Belfries, chimneys, church spires, cupolas and domes, distribution and transmission facilities, fire and hose towers, flagpoles, radio and television aerials, smoke stacks, towers, water tanks, wind energy conversion systems;

C. Parapet walls extending not more than four feet above the limiting height of the building; drive-in theater screens, provided that such screens contain no permanent advertising matter;

D. Public buildings, schools and hospitals when set back an additional foot on all sides for each foot such building exceeds the height limit of the zone in which it is located. (Ord. 83-05 §5(part), 1983)

17.76.030 Yard exceptions and modifications. Yard requirements specified elsewhere in this title shall be subject to the following exceptions and modifications:

A. Side yard width may be varied where the side wall of a residence is not parallel with the side lot line or is broken or otherwise irregular. In such case the average width of the side yard shall not be less than the otherwise required least width; provided, however, that such side yard shall not be less at any point than one-half the otherwise required least width.

B. Width of one side yard may be reduced when authorized by the commission to a width not less than three feet, provided the sum of the widths of the two side yards is not less than the required minimum, and further provided the distance between the proposed dwelling and another dwelling, existing or proposed, on an adjacent lot is not less than that required elsewhere in this title.

Such reduction may be authorized only when the commission finds it to be warranted by the location of existing buildings or conducive to the desirable development of two or more lots.

C. Industrial zone side yards may be utilized for railroad spurs except when the side yard adjoins a residential or commercial zone. (Ord. 83-05 §5(part), 1983)

17.76.040 Projections into required yards. Certain architectural features may project into required yards and courts as follows:

A. Canopies, chimneys, cornices, eaves, rain gutters and other architectural features supported from the structure may project twenty-four inches into a required yard or court;

B. Balconies, fire escapes, handicapped ramps and outside stairways projecting into a required yard or court may be permitted by the commission when located so as to not obstruct light and ventilation;

C. Patio covers, sunshades and similar structures attached to the main building, which are not enclosed on the sides except for required roof supports, may utilize up to twenty percent of the required rear yard area but may be no closer than ten feet to the rear property line. (Ord. 83-05 §5(part), 1983)

Chapter 17.80

PLAN LINES

Sections:

- 17.80.010 Purpose.
- 17.80.020 Adoption of plan lines.
- 17.80.030 No building permits during proceedings.
- 17.80.040 Setbacks.

17.80.010 Purpose. The purpose of this chapter is to provide for the establishment of plan lines for future streets or for the extension or widening of existing streets. (Ord. 83-05 §5(part), 1983)

17.80.020 Adoption of plan lines. Proceedings for the establishment of plan lines for future streets or for the extension or widening of existing streets may be initiated before the commission.

A. Procedure--Commission. A proposal for the establishment of plan lines, accompanied by a description and map, shall be set for one public hearing before the commission. Notice of the time and place of the hearing shall be published in a newspaper of general circulation at least ten calendar days before the hearing. At least ten calendar days before said hearing a copy of the notice shall be mailed to the owners of all property abutting the proposed plan lines.

B. Procedure--City Council. The city council, upon receipt of a resolution from the commission recommending the establishment of said plan lines, shall set the matter for one public hearing. Notice of the time and place of the hearing shall be published in a newspaper of general circulation at least ten calendar days before the hearing. At least ten calendar days before the hearing a copy of the notice shall be mailed to the owners of all property abutting the proposed plan lines. After the public hearing the city council may adopt by resolution the proposed plan lines, or any portion thereof, in such form or with such modifications as the city council may deem to be advisable. (Ord. 83-05 §5(part), 1983)

17.80.030 No building permits during proceedings.

Between the time of the adoption of a resolution by the commission and prior to the time the resolution establishing a future street plan line is acted upon by the city council, no building permit shall be issued for the erection of any building, structure or improvement within said future street plan lines, or between any future street plan line and the appropriate setback line for the zone in which the property is located. (Ord. 83-05 §5(part), 1983)

17.80.040 Setbacks. On any lot where a plan line for a future street or for the extension of an existing street has been established under this chapter, or is established after the effective date of this title, required setbacks for buildings and/or structures as designated by the zone in which the property is located, shall be measured from said plan line. (Ord. 83-05 §5(part), 1983)

Chapter 17.84CONDITIONAL USE PERMITSSections:

- 17.84.010 Purpose.
- 17.84.020 Application.
- 17.84.030 Public hearing.
- 17.84.040 Commission action.
- 17.84.050 Appeals.
- 17.84.060 Issuance.
- 17.84.070 Expiration.
- 17.84.080 Revocation and modification.

17.84.010 Purpose. The purpose of this chapter is to allow the proper integration into the community of uses which may be suitable only in specific locations in a zoning district, or only if such uses are designed or laid out on the site in a particular manner. (Ord. 83-05 §5(part), 1983)

17.84.020 Application. A conditional use permit shall be required for all uses listed as conditional uses in the Residential, Commercial and Industrial Land Use Tables or elsewhere in this title.

A. Filing. Application shall be made in writing by the property owner or his authorized agent, on forms provided by the city manager's office or building department and accompanied by such data and information as may be necessary to fully describe the request.

B. Fee. The filing and investigation fee shall be as prescribed by city council resolution. (Ord. 83-05 §5 (part), 1983)

17.84.030 Public hearing. The commission shall hold a public hearing on any proposed conditional use permit. A written notice of the hearing shall be mailed at least ten calendar days prior to the hearing to all property owners, any part of whose property lies within a radius of three hundred feet of the applicant's property, using for this purpose the names of such owners as shown on the last equalized assessment roll, or alternatively, from such other records of the assessor or the tax collector as contain more recent addresses. Failure to receive the notice required by this section shall not invalidate the action of the commission. (Ord. 83-05 §5(part), 1983)

17.84.040 Commission action. The commission may approve, conditionally approve or deny an application for a conditional use permit; and in authorizing a conditional use, may impose such requirements and conditions with respect to location, construction time period, maintenance and operation, as deemed necessary for the protection of adjacent properties and the public interest, when reasonably related to the use of the property. Before granting any conditional use permit the commission shall be satisfied that the proposed structure or use conforms to the requirements and the intent of this title and the general plan. (Ord. 83-05 §5(part), 1983)

17.84.050 Appeals. The commission action on the conditional use permit shall be final unless, within ten calendar days after the decision, the applicant or any other person not satisfied with the decision of the commission appeals in writing to the city council. The appeal shall be accompanied by a filing fee as prescribed by city council resolution. At its next regular meeting after the filing of such appeal, the city council shall set a date for a public hearing and shall give notice to the appellant, the applicant and neighboring property owners in the manner provided in Section 17.84.030. (Ord. 83-05 §5(part), 1983)

17.84.060 Issuance. No conditional use permit which has been approved by the commission shall be issued prior to the expiration of the appeal period as set forth in Section 17.84.050 or the final action on an appeal to the city council. (Ord. 83-05 §5(part), 1983)

17.84.070 Expiration. A conditional use permit shall become null and void without further action in the event the commission finds the use permit has not been exercised with-

in the time limit set by the commission, or within one year if no specific time limit has been set; except, the commission, upon written request of the permittee, may extend the approval of a use permit for up to one additional year, with the same conditions of approval, if circumstances have not changed. The written request must be received by the city prior to the expiration of the use permit. (Ord. 83-05 §5 (part), 1983)

17.84.080 Revocation and modification. Where the conditions of a conditional use permit have not been, or are not being, complied with, or where the use to which the permit applies has been, or is being, conducted in a manner detrimental to the public health, safety and general welfare, the city manager or building department shall give the permittee written notice of an intent to revoke the permit. Notice shall be given at least ten days prior to the commission's review of the matter. At the conclusion of its review, the commission may revoke the permit. Alternately, the commission may modify the permit if the grounds which would otherwise justify revocation can be corrected or cured by new or additional conditions. (Ord. 83-05 §5(part), 1983)

Chapter 17.88

VARIANCES

Sections:

- 17.88.010 Purpose.
- 17.88.020 Application.
- 17.88.030 Public hearing.
- 17.88.040 Commission action.
- 17.88.050 Appeals.
- 17.88.060 Issuance.
- 17.88.070 Expiration.

17.88.010 Purpose. The purpose of this chapter is to allow variations from the rules, regulations and provisions of this title where practical difficulties or unnecessary hardships may result from the strict application of its provisions. (Ord. 83-05 §5(part), 1983)

17.88.020 Application. A. Filing. Application shall be made in writing by the property owner or his authorized agent, on forms provided by the city manager's office or building department and accompanied by such data and information as may be necessary to fully describe the request.

B. Fee. The filing and investigation fee shall be as prescribed by city council resolution. (Ord. 83-05 §5 (part), 1983)

17.88.030 Public hearing. Upon the filing of an application for variance, the commission shall set the matter for hearing. A written notice of hearing shall be mailed at least ten calendar days prior to the hearing to all property owners, any part of whose property lies within a radius of three hundred feet of the applicant's property, using for this purpose the names of such owners as shown on the last equalized assessment roll, or alternatively, from such other records of the assessor or the tax collector as contain more recent addresses. Failure to receive the notice required by this section shall not invalidate the action of the commission. (Ord. 83-05 §5(part), 1983)

17.88.040 Commission action. The commission shall have the power to grant variances when the commission finds and determines that the following circumstances apply:

A. That any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located;

B. That because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the zoning regulation is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under the same zone classification;

C. That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity or the zone in which the subject property is located;

D. That the granting of such variance will be in conformity with the general purpose and intent of this title and the general plan;

E. A variance shall not be granted for a parcel of property which authorizes a use or activity which is not otherwise expressly authorized by the zoning regulations governing the parcel of property. (Ord. 83-05 §5(part), 1983)

17.88.050 Appeals. The commission's action on the variance shall be final unless, within ten calendar days after the decision, the applicant or any other person not satisfied with the decision of the commission appeals in writing to the city council. This appeal shall be accompanied by a filing fee as prescribed by city council resolution. At its next regular meeting after the filing of the

appeal, the city council shall set a date for a public hearing and shall give notice to the appellant, the applicant and neighboring property owners in the manner provided in Section 17.88.030. (Ord. 83-05 §5(part), 1983)

17.88.060 Issuance. No variance which has been approved by the commission shall be issued prior to the expiration of the appeal period as set forth in Section 17.88-.050 or the final action on an appeal to the city council. (Ord. 83-05 §5(part), 1983)

17.88.070 Expiration. Any variance granted or approved by the commission involving the erection, alteration, or enlargement of a building or structure for which a building permit is required is null and void after the expiration of one year from the date the variance is granted unless the applicant obtains a building permit within one year from date the variance is granted and thereafter the time provisions of the building permit so secured shall prevail. The commission for good cause shown, may extend the one-year period for not longer than an additional six months upon application in writing being made before expiration of the variance. (Ord. 83-05 §5(part), 1983)

Chapter 17.92

AMENDMENTS AND ZONE CHANGES

Sections:

- 17.92.010 Authorization.
- 17.92.020 Initiation.
- 17.92.030 Rezoning.
- 17.92.040 Prezoning.
- 17.92.050 Zoning of annexed areas.
- 17.92.060 Text amendment.

17.92.010 Authorization. The provisions of this title may be amended by changing or supplementing the regulations, or by changing the zoning of property whenever the public necessity, convenience and general welfare require such amendments. (Ord. 83-05 §5(part), 1983)

17.92.020 Initiation. Amendment of this title may be initiated by a resolution of intention by the commission or the city council or by a petition of affected property owners or authorized agents of such owners. (Ord. 83-05 §5(part), 1983)

17.92.030 Rezoning. A. Application. Application for rezoning shall be made in writing on forms provided by the city manager or building department, and accompanied by such data and information as may be prescribed for that purpose. The filing and investigation fee shall be as prescribed by city council resolution. A rezoning may also be initiated by the commission or the city council.

B. Procedure.

1. Commission.

a. Public Hearing--Notice. The commission shall hold a public hearing on any proposed rezoning. Notice of the time and place of the hearing including a general explanation of the matter to be considered and including a general description of the area affected shall be given at least ten calendar days prior to the hearing in the following manner:

i. The notice shall be published at least once in a newspaper of general circulation within the city, or if there is no such newspaper of general circulation, posted in at least three public places within the city.

ii. The notice shall be mailed or delivered to the owner of the real property that is the subject of the proposed rezoning or the owner's duly authorized agent, and to the applicant.

iii. The notice shall be mailed or delivered to each local agency expected to provide water, sewerage, streets, roads, schools, or other essential facilities or services to the real property that is the subject of the proposed rezoning whose ability to provide these facilities and services may be significantly affected.

iv. The notice shall be mailed or delivered to all owners of real property within a radius of three hundred feet of the real property that is the subject of the proposed rezoning, using for this purpose the names of the owners of such property as are shown on the last equalized assessment roll, or alternately, from such other records of the assessor or tax collector as contain more recent addresses.

v. In the event that the number of owners to whom notice would be sent is greater than one thousand, the city may, as an alternative to the notice required by subsection B(1)(a)(iv) of this section, place a display advertisement of at least one-fourth page in a newspaper of general circulation within the city.

b. Commission Action. After the public hearing, the commission shall render its decision in the form of a written recommendation to the city council. If, from the facts presented at the public hearing, the commission is satisfied that the proposed change conforms to the general plan, the commission may recommend such change to the city council.

c. Appeals. The applicant or any other person not satisfied with the denial of a proposed rezoning by the commission may, within ten calendar days following the decision, appeal in writing to the city council. The appeal shall be accompanied by a filing fee as prescribed by city council resolution. At its next regular meeting after the filing of such appeal, the city council shall set a date for a public hearing and shall give notice thereof in the manner provided in subsection B(1) of this section.

2. City Council.

a. Public Hearing--Exception--Notice. Upon receipt of the recommendation of the commission, the city council shall hold a public hearing on the proposed rezoning; provided, however, if the commission has recommended against the proposed rezoning the city council shall not be required to take any further action thereon unless an appeal is filed pursuant to subsection B(1)(c) of this section. Notice of the time and place of the hearing shall be given in the time and manner provided for in subsection B(1)(a) of this section.

b. City Council Action. The city council may approve, modify or disapprove the recommendation of the commission; provided, that any modification of the proposed ordinance by the city council not previously considered by the commission during its hearing, shall first be referred to the commission for report and recommendation, but the commission shall not be required to hold a public hearing thereon. Failure of the commission to report within forty days after the reference, or such longer period as may be designated by the city council, shall be deemed to be approval of the proposed modification.

c. Withdrawal of Petition. The commission or the city council may permit the withdrawal of any application filed under the provisions of this section. The commission or the city council may abandon any proceedings for a rezoning initiated by it, provided that such abandonment may be made only when such proceedings are before such body for consideration; and provided further, that any hearing shall be held for which public notice has been given.

d. Renewal of Application. If an application for rezoning is denied by either the commission or the city council another application for change to the same zoning district shall not be filed within a period of one year from the date of denial, except upon the initiation of the city council, or with the permission of or upon the initiation by the commission after a showing of a change of circumstances which would warrant a renewal.

e. Building Permits. No official action such as the issuance of a building permit, license or other type of permit shall be taken while an appeal or proceeding for a rezoning is pending. (Ord. 86-09 §1, 1986: Ord. 83-05 §5(part), 1983)

17.92.040 Prezoning. A. Purpose. Unincorporated territory adjoining the city may be prezoned for the purpose of determining the zoning that will apply to such property in the event of subsequent annexation to the city.

B. Application. Application for prezoning shall be made in writing on forms provided by the city manager or building department, and accompanied by such data and information as may be prescribed for that purpose. The filing and investigation fee shall be as prescribed by city council resolution. A prezoning may be initiated by the commission or the city council.

C. Procedure. Prezoning applications shall be processed as provided in Section 17.92.030 for rezoning.

D. Effective Date. Such prezoning shall become effective at the same time the annexation becomes effective. (Ord. 86-09 §2, 1986: Ord. 83-05 §5(part), 1983)

17.92.050 Zoning of annexed areas. Upon the annexation of territory to the city which has not been prezoned, the commission shall initiate proceedings to zone the annexed territory to a classification or classifications in conformity with the general plan. The procedure shall be as provided in Section 17.92.030 for rezoning. (Ord. 83-05 §5(part), 1983)

17.92.060 Text amendment. Text amendments to this title shall be initiated by the commission or the city council and shall be processed as provided in Section 17.92.030, except that no notification of property owners shall be required unless the proposed text amendment affects the permitted uses of real property. (Ord. 86-09 §3, 1986: Ord. 83-05 §5(part), 1983)

Chapter 17.96

ADMINISTRATION AND ENFORCEMENT

Sections:

- 17.96.010 Administration.
- 17.96.020 Interpretations.
- 17.96.030 Enforcement.
- 17.96.040 Residential development permit coordination.
- 17.96.050 Limitations on time for challenging decisions.

17.96.010 Administration. This title shall be administered by the building inspector, except that all applications for variance, special and conditional use permits, and

zoning map amendments shall be administered by the commission. (Ord. 83-05 §5(part), 1983)

17.96.020 Interpretations. In interpreting and applying the provisions of this title, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, or general welfare. It is not intended by this title to interfere with or abrogate or annul any easements, covenants, or other agreements between parties, provided, however, that where this title imposes a greater restriction upon the use of buildings or premises or upon height of buildings, or requires larger open spaces than are required by other ordinances, rules, regulations, or by easements, covenants or agreements, the provisions of this title shall govern. In the event of a difference or conflict between the text of this title and the zoning districts shown on the official zoning map, the designations on the map shall govern. In the event public streets or alleys or public property are vacated or abandoned or become private property or are leased for private use, this property shall be classified by the commission at the time of change of status. In the event that any public property is not indicated as being zoned on the zoning map, it shall not be used for private purpose until it has been classified as to zone.

A. Additions Authorized. Upon the request of any interested party, the commission may determine whether a particular use is consistent with the general purpose of the zone and is of the same general character as those uses expressly listed as either permitted, accessory or conditional uses in the zone, and therefore, determine whether the use is allowed in the zone as either a permitted, accessory or conditional use.

B. Findings. No such use shall be determined to be permitted, accessory or conditional unless the applicable provisions of the relevant chapter of this title dealing with the subject zone reasonably allow the commission to make the required findings or, upon appeal, reasonably allow the city council to make the required findings.

C. Zoning Boundary Lines. The commission, after notice to the owners of the affected properties, may interpret the zoning maps and make minor adjustments in the zone boundaries in such a way as to carry out the objectives and purposes of these regulations. (Ord. 83-05 §5(part), 1983)

17.96.030 Enforcement. A. It shall be the duty of the building inspector to enforce any portion of this title relative to building construction, and it shall be the duty of the city manager and the commission to enforce all other provisions of this title. No oversight or dereliction on the part of the building inspector or any authorized assistants of any official or employee of the city vested with

the duty or authority to issue permits or licenses shall legalize, authorize, waive or excuse the violation of any provision of this title. Any permit or license so issued shall be null and void.

B. In the event any person, firm or corporation should erect, construct, move or alter any building or structure in violation of any provision of this title, or make any use of any property in a manner contrary to the provisions of this title, such action or use shall be, and the same is declared to be unlawful and a public nuisance. The city attorney shall, upon instruction by the city council, immediately commence action or proceedings for the abatement, removal, and enjoinder thereof in the manner provided by law.

C. Any person, firm or corporation violating any provisions of this title shall be guilty of a misdemeanor and, upon conviction thereof, shall be punishable as set forth in Chapter 1.12 of this code. (Ord. 84-12 §1, 1984: Ord. 83-05 §5(part), 1983)

17.96.040 Residential development permit coordination. The city manager's office shall be the agency designated to provide for coordination of review and decisionmaking and the provision of information regarding the status of all applications and permits for residential development as required by Section 65913.3 of the Government Code. (Ord. 83-05 §5(part), 1983)

17.96.050 Limitation on time for challenging decisions. Except as otherwise provided in Government Code §65009, any action or proceeding to attack, review, set aside, void, or annul any decision made pursuant to this title, or concerning any of the proceedings, acts, or determinations taken, done, or made prior to such decision, or to determine the reasonableness, legality, or validity of any condition attached thereto, shall not be maintained by any person unless the action or proceeding is commenced within thirty days and the city council is served within sixty days after the date of such decision. Thereafter, all persons shall be barred from any such action or proceeding or any defense of any invalidity or unreasonableness of such decision or of such proceedings, acts, or determinations. (Ord. 86-10 §1, 1986)

STATUTORY REFERENCES
FOR
CALIFORNIA CITIES

General Provisions

Code adoption

Gov. Code §§50022.1--50022.10

Penalties for ordinance violations

Gov. Code §§36900 and 36901

City prisoners

Gov. Code §36903

Appeal procedure

Civil Pro. Code §1094.6

Citations for misdemeanors

Penal Code §853.5 et seq.

City charters

Gov. Code §34450 et seq.

Elections

Gov. Code §34050

Ordinances

Gov. Code §36931 et seq.

Administration and Personnel

City council

Gov. Code §36513 et seq. and §36801 et seq.

Officers generally

Gov. Code §§36501--36512.2 and 36516.1--36517

Official bonds

Gov. Code §1450 et seq. and §36518 et seq.

City manager form of government

Gov. Code §34851 et seq.

Elective mayor form of government

Gov. Code §34900 et seq.

Election of legislative body by districts

Gov. Code §34870 et seq.

General powers of legislative body
Gov. Code §37100 et seq.

Local planning agencies
Gov. Code §65150

Emergency services
Gov. Code §8550 et seq.

Health ordinances, boards and officers
Health and Saf. Code §500 et seq.

Peace officer standards and training
Penal Code §13520 et seq.

Personnel system
Gov. Code §45000 et seq.

Revenue and Finance

Financial powers
Gov. Code §37202 et seq.

Purchasing system
Gov. Code §54201 et seq.

Transfer of tax function to county
Gov. Code §51500 et seq.

Sales and use tax
Gov. Code §37101 and Rev. and Tax. Code 7200 et seq.

Transient occupancy tax
Rev. and Tax. Code §§7280 and 7281

Real property transfer tax
Rev. and Tax. Code §11901 et seq.

Special gas tax street improvement fund
Str. and Hwys. Code §2112 and §2106 et seq.

Purchasing system
Gov. Code §54202

Unclaimed property
Civil Code §2080 et seq.

Business Licenses, Taxes and Regulations

Authority to license businesses

Gov. Code §37101 and Bus. and Prof. Code §16000 et seq.

Massage parlors

Gov. Code §51030 et seq.

Taxicabs and other vehicles for hire

Vehicle Code §§16501, 21100, 21112 and §16500 et seq.

Bingo

Penal Code §326.5

Private patrol operators

Bus. and Prof. Code §7523

Community antenna TV systems

Gov. Code §53066

Animals

Animals generally

Food and Agric. Code §16301 et seq.

Dogs

Gov. Code §38792 and Food and Agric. Code §30501 et seq.

Rabies control

Health and Saf. Code §1900 et seq.

Cruelty to animals

Penal Code §597 et seq.

Health and Safety

Garbage and refuse collection

Health and Saf. Code §4250

Fire Prevention

Health and Saf. Code §13000 et seq.

Weed control

Health and Saf. Code §14875 et seq.

Authority to declare and abate nuisances

Gov. Code §38771 et seq.

Littering
Penal Code §374 et seq.

Public Peace, Morals and Welfare

Crimes against public justice
Penal Code §92 et seq.

Crimes against the person
Penal Code §187 et seq.

Crimes against the person and against public decency and
good morals
Penal Code §261 et seq.

Crimes against public health and safety
Penal Code §368 et seq.

Crimes against the public peace
Penal Code §403 et seq.

Crimes against property
Penal Code §447 et seq.

Weapons
Penal Code §12000 et seq.

Vehicles and Traffic

Local traffic rules and regulations
Vehicle Code §21100

Traffic-control devices
Vehicle Code §21351 et seq. and §21450 et seq.

Turning movements
Vehicle Code §§22101 and 22113

Speed limits
Vehicle Code §22348 et seq.

One-way street designations
Vehicle Code §21657

Stopping, standing and parking
Vehicle Code §22500 et seq.

Through highways
Vehicle Code §§21101 and 21354

Curb markings
Vehicle Code §21458

Vehicle weight limits
Vehicle Code §35700 et seq.

Pedestrians rights and duties
Vehicle Code §21950 et seq.

Establishment of crosswalk
Vehicle Code §21106

Bicycles
Vehicle Code §§21100, 21206 and §39000 et seq.

Streets, Sidewalks and Public Places

Construction of sidewalks and curbs
Str. and Hwys. Code §5870 et seq.

Obstructions and encroachments on public ways
Gov. Code §38775

Tree planting
Str. and Hwys. Code §22000 et seq.

Injuring city improvements or trees
Penal Code §622

Municipal parks
Pub. R. Code §5181 et seq.

Advertising displays
Bus. and Prof. Code §§5230, 5231 and §5440 et seq.

Underground utility districts
Str. and Hwys. Code §5896.1 et seq. and Gov. Code §38773

Public Services

Municipal water systems
Gov. Code §38730

City sewers
Gov. Code §38600 and §38900 et seq. and Health and Saf.
Code §5470 et seq.

Water wells
Water Code §13800 et seq.

Buildings and Construction

Authority to regulate buildings and construction
Gov. Code §§38801 and 38660

Housing construction
Health and Saf. Code §17910 et seq.

Signs
Gov. Code §§38774 and 65850 and Bus. and Prof. Code
§5229 et seq.

Mobile homes
Health and Saf. Code §18200 et seq.

Subdivisions

Local control of subdivisions
Gov. Code §66510 et seq.

Zoning

Planning in general
Gov. Code §65000 et seq.

Local authority to regulate the use of land and buildings
Gov. Code §65850

Administration
Gov. Code §65900 et seq.

Open-space zoning Gov. Code §65910 et seq.

Environmental Protection

Environmental Quality Act
Public Res. Code §21000 et seq.

Noise Control Act
Health and Saf. Code §46000 et seq.

CROSS-REFERENCE TABLE

This table provides users with the legislative history and the current disposition of the sections in the prior code.

Thus, prior code Sections 4-10--4-12 currently appear in this code in Chapter 5.12.

The legislative history information was derived from the Ordinance Code of Stanislaus County.

<u>Prior Code §</u>	<u>Herein</u>	<u>Prior Code §</u>	<u>Herein</u>
Title 1		Title 3	
1-1--1-8	Repealed by 82-5	3-1--3-21	Not codified
1-20	Repealed by 82-11	3-30--3-33	Repealed by 75-1
1-21--1-27	Repealed by 82-11	3-40--3-49	Repealed by 82-11
Title 2		3-60--3-121	Repealed by 82-11
2-1--2-170	Repealed by 82-11	3-130--3-149	Repealed by 82-11
2-180--2-227	Repealed by 82-11	3-160, 3-170	Repealed by 82-11
2-250--2-252	Repealed by 82-11	3-180--3-186	Repealed by 82-11
2-260, 2-261	Repealed by 82-11	3-190--3-203	Repealed by 82-11
2-270, 2-271	Repealed by 82-11	Title 4	
		4-1--4-4	Repealed by 84-09
2-300--2-302	Repealed by 82-11	4-10--4-12	5.12
2-310--2-319	Repealed by 82-11	4-20--4-22	Repealed by 82-11
2-330, 2-331	Repealed by 82-11	4-30--4-40	Repealed by 82-11
		4-50--4-52	Repealed by 82-7
2-340	Repealed by 82-11	4-60	Repealed by 82-11
2-350--2-353.1	Repealed by 82-11	4-70	Repealed by 82-11
2-354--	Repealed by 82-11	4-80--4-82	Repealed by 82-11
2-354.14		Title 5	Not codified
2-360--2-362	Repealed by 82-11	Title 6	Repealed by 82-11
2-370, 2-371	Repealed by 82-11	Title 7	
2-380, 2-390	Repealed by 82-11	7-1--7-18	Repealed by 82-11
2-400	Repealed by 82-11		

<u>Prior Code §</u>	<u>Herein</u>
7-20--7-30	Repealed by 79-11
7-40--7-55	Repealed by 82-11
7-60--7-68	Repealed by 82-11
7-80--7-82	Repealed by 82-11
7-90--7-111	Repealed by 82-11
7-121--7-129	Repealed by 82-11
7-140--7-145	Repealed by 82-11
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9-4	16.12
9-5	16.16
9-6	Not codified
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9-8	16.24
9-9	16.28
9-10	16.32
9-11	Repealed by 87-04
9-12	16.40
9-13	16.44
9-14	16.48
9-20--9-41	Repealed by 81-5
9-100--9-138	Not codified
9-150--9-155	Not codified
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10-10--10-52	Repealed by 82-11
10-60--10-65	9.12
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10-70--10-81	Repealed by 82-11
Title 11	Special

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72-1	Adopts Stanislaus County ordinances (Temporary)
72-2	Time and place of council meeting (Repealed by 73-7)
72-3	Sales and use tax (Repealed by 73-12)
72-4	Gas street tax improvement fund (3.04)
72-5	Real property transfer tax (3.16)
72-6	Place of imprisonment for ordinance violation (1.08)
73-1	Planning commission (2.12)
73-2	Gas franchise (Special)
73-3	Business licenses (5.04)
73-4	Emergency services (2.20)
73-5	Adopts ordinance code and construction codes (Not codified)
73-6	Peace officer standards and training (2.16)
73-7	Time and place of council meetings, repeals Ord. 72-2 (Repealed by 74-10)
73-8	Weeds (8.08)
73-9	Special election (Special)
73-10	Purchasing (Repealed by 80-11)
73-11	Administration (Repealed by 78-13)
73-12	Sales and use tax, repeals Ord. 72-3 (3.20)
73-13	Dogs (Repealed by 86-05)
73-14	Rezone (Special)
73-15	Rezone (Special)
73-16	Amends Ord. 73-13, dogs (Repealed by 86-05)
74-1	Water (Not codified)
74-2	Public employees retirement (2.32)
74-3	Sewers (Repealed by 87-09)
74-4	Sewer connections (Not codified)
74-5	Councilmembers' salaries (Repealed by 81-8, 81-9)
74-6	Traffic (10.04, 10.08, 10.12, 10.16, 10.20, 10.24, 10.28, 10.32, 10.36, 10.44, 10.48, 10.52)
74-7	Planning commission salaries (2.12)
74-8	Amends zoning ordinance (Repealed by 83-05)
74-9	Amends Ord. 73-11, administration (Repealed by 78-13)
74-10	Time and place of council meetings, repeals Ord. 73-7 (Repealed by 75-4)
74-11	Amends Title 8 of ordinance code, building regulations (Not codified)
75-1	Unclaimed property in police custody, repeals Art. 2, Ch. 1, Title 3 of ordinance code (3.12)
75-2	City administrator (Repealed by 80-11)
75-3	Amends Title 8 of ordinance code, buildings (Not codified)

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- 75-4 Time and place of council meetings, repeals Ord. 73-7 (Repealed by 76-5)
- 75-5 Director of finance (Repealed by 80-11)
- 76-1 General penalty (Repealed by 82-4)
- 76-2 Amends Ch. 2, Title 9 of ordinance code, subdivisions (Repealed by 81-5)
- 76-3 Amends Title 5 of ordinance code, streets and highways (Not codified)
- 76-4 Amends Ch. 6, Title 8 of ordinance code, street improvements (Not codified)
- 76-5 Time and place of council meetings, repeals Ord. 75-4 (2.04)
- 76-6 Amends Ord. 74-4, sewers (Repealed by 87-09)
- 76-7 Garbage (8.12)
- 76-8 Sewer service charges, amends Ord. 74-3 (Repealed by 87-09)
- 77-1 Adopts sign code (Not codified)
- 77-2 Amends Ord. 74-1, water (Not codified)
- 77-3 Amends Ord. 74-4, sewers (Repealed by 87-09)
- 77-4 Rezone (Special)
- 78-1 Sewer connection fees, amends Ord. 74-4 (Repealed by 87-09)
- 78-2 Sewer rates, amends Ord. 74-3 (Repealed by 87-09)
- 78-3 Truck routes, amends Ord. 74-6 (10.44)
- 78-4 Subdivision moratorium (Repealed by 81-5)
- 78-5 Building permit moratorium (Repealed by 79-9)
- 78-6 Surplus property sale (3.08)
- 78-7 Special election (Special)
- 78-8 Sewer connection fees, amends Ord. 74-4 (Repealed by 87-09)
- 78-9 Water connection fees, amends Ord. 74-1 (Not codified)
- 78-10 Transfer of building permits, amends Ord. 78-5 (Repealed by 79-9)
- 78-11 Abandoned vehicles (10.56)
- 78-12 Sewer charge billing, amends Ord. 74-3 (Repealed by 87-09)
- 78-13 Personnel merit system, repeals Ords. 73-11 and 74-9 (2.28)
- 79-1 Moving buildings moratorium (Temporary)
- 79-2 Moving buildings (Not codified)
- 79-3 Sales and use tax rate, amends Ord. 72-3 (Repealed by 79-4)
- 79-4 Repeals Ord. 79-3 (Repealer)
- 79-5 Dog license fees, amends Ord. 73-13 (Repealed by 86-05)
- 79-6 Amends zoning ordinance (Repealed by 83-05)
- 79-7 Water service deposits, amends Ord. 74-1 (Not codified)

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79-8 Sewer rates, amends Ord. 74-3 (Repealed by 87-09)
 79-9 Repeals Ords. 78-5 and 78-10 (Repealer)
 79-10 Amends Ord. 78-4, subdivision map moratorium
 (Repealed by 81-5)
 79-11 Amends Ord. 73-5, restaurants; repeals Ch. 2, Title
 7 of ordinance code (8.04)
 80-1 Amends Ord. 78-4, subdivision map moratorium
 (Repealed by 81-5)
 80-2 Rezone (Special)
 80-3 Amends Ord. 78-4, subdivision map moratorium
 (Repealed by 81-5)
 80-4 Amends Ord. 72-3, sales and use tax (Repealed by
 82-6)
 80-5 Amends Ord. 74-1, water service (Not codified)
 80-6 Amends Ord. 74-4, sewer connections (Repealed by
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 80-7 Community antenna television systems (5.08)
 80-8 Amends Ord. 74-4, sewers (Repealed by 87-09)
 80-9 Amends Ch. 6, Title 8 of ordinance code, buildings
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 80-10 Amends Ord. 74-3, sewer charges (Repealed by
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 80-11 City manager, repeals Ords. 73-10, 75-2, and 75-5
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 81-1 Amends Ord. 78-7, city council vacancy filling
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 81-2 Amends Ord. 73-1, planning commission (2.12)
 81-3 Amends Ord. 74-4, sewer connection (Repealed by
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 81-4 Amends Ord. 74-1, water connection (Not codified)
 81-5 Repeals Ords. 78-4, 79-10, 80-1, 80-3 (Repealer)
 81-6 Amends Ch. 3, Title 3, Section 3-27; Ord. 76-7,
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 81-7 Amends Ch. 3, Title 9, zoning (Repealed by 83-05)
 81-8 Council compensation (2.24)
 81-9 Amends §4 of Ord. 81-8 (Not codified)
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 82-2 Amends Ord. 72-5, real property transfer tax;
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 82-3 Amends Ord. 73-4, emergency services (2.20)
 82-4 Repeals Ords. 73-4, §10; 73-5, §3; 73-12, §17;
 73-13, §17; 76-1; general penalty (1.12)
 82-5 Repeals Ch. 1, Title 1 of ordinance code, general
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 82-6 Repeals Art. 2, Ch. 4, Title 2 of ordinance code;
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- 82-7 Repeals Ch. 5, Title 4 of ordinance code, curfew (9.08)
- 82-8 Repeals Ch. 6, Title 3 of ordinance code; amends Ord. 73-8, weeds (8.08)
- 82-9 Amends Section 10-62, Ch. 6, Title 10 of ordinance code, weapons (9.12)
- 82-10 Amends Ord. 74-6, traffic (10.04, 10.16, 10.32, 10.44)
- 82-11 Repeals Art 1, Ch. 4, Title 2; Art. 3, Ch. 4, Title 2; Art. 4, Ch. 4, Title 2; Art. 5, Ch. 4, Title 2; Art.1, Ch. 5, Title 2; Art. 2, Ch. 5, Title 2; Ch. 1, Title 7; Art. 3, Ch. 1, Title 3; Ch. 3, Title 7; Ch. 4, Title 7; Ch. 5, Title 7; Ch. 3, Title 3; Ch. 4, Title 3; Ch. 6, Title 4; Ch. 7, Title 4; Ch. 8, Title 4; Title 6; Ch. 1, Title 10; Ch. 7, Title 10; Ch. 2, Title 10; Ch. 3, Title 10; Ch. 4, Title 10; Ch. 5, Title 10; Art. VII of Ord. 74-3 (Repealer)
- 83-01 Amends public employees' retirement contract (Not codified)
- 83-02 Amends §16.20.060, subdivision parcel maps (16.20)
- 83-03 Adds Ch. 9.16, parades and assemblies (9.16)
- 83-04 Adds Ch. 9.20, offenses against police canine units (9.20)
- 83-05 Zoning; repeals Ch. 3 of Title 9 as adopted by Ord. 73-5, and Ords. 74-8, 79-6, and 81-7 (17.04, 17.08, 17.12, 17.16, 17.20, 17.24, 17.28, 17.32, 17.36, 17.40, 17.44, 17.48, 17.52, 17.56, 17.60, 17.64, 17.68, 17.72, 17.76, 17.80, 17.84, 17.88, 17.92, 17.96)
- 83-06 Amends §3.20.120, sales and use tax (Repealed by 83-07)
- 83-07 Amends §3.20.120, sales and use tax; repeals Ord. 83-06 (3.20)
- 84-01 Adds Ch. 9.05, arcades and amusement devices (9.05)
- 84-02 (Not enacted)
- 84-03 Purchasing procedure (Not codified)
- 84-04 Amends Art. 5 §6 and Art. 6 §3 of Ord. 74-1, water connections (Not codified)
- 84-05 Adds §17.64.120, zoning (17.64)
- 84-06 Adds §§9.04.100 and 9.12.070; amends §§1.12.010, 9.08.020, 9.20.010 and 10.12.080, penalties (1.12, 9.08, 9.12, 9.20, 10.12)
- 84-07 Amends §16.20.010, subdivisions (16.20)
- 84-08 Adds §§16.04.050, subdivisions, and 17.04.060 and 17.12.442, zoning (16.04, 17.04, 17.12)
- 84-09 Repeals and replaces Ch. 9.04, gambling and bingo (9.04)

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- 84-10 Adds §16.04.050; amends §§16.04.010 and 16.04.040, subdivisions (16.04)
- 84-11 Amends §6.04.010, dogs (Repealed by 86-05)
- 84-12 Amends §17.96.030, zoning (17.96)
- 84-13 Adds §§10.56.105 and 10.56.230; amends §§10.56.030, 10.56.120, 10.56.130, 10.56.140 and 10.56.210, abandoned vehicles (10.56)
- 84-14 Adds Ch. 10.60, interstate truck terminal designation and access (10.60)
- 85-01 Consolidates municipal election with statewide general election (Special)
- 85-02 Amends Ord. 74-01 Art. 5 §6, water (Not codified)
- 85-03 Rezone (Special)
- 85-04 Amends contract with California Public Employees' Retirement System (Special)
- 86-01 Adds Ch. 9.24, consumption and possession of alcoholic beverages (9.24)
- 86-02 Amends entirety of Ch. 9.12, discharging weapons (9.12)
- 86-03 Adds §§1.04.110 and 1.04.120, effect of city code provisions (1.04)
- 86-04 Adds Ch. 9.26, vicious dogs (9.26)
- 86-05 Repeals and replaces Ch. 6.04, dogs (6.04)
- 86-06 Adds Ch. 8.16, Uniform Fire Code and fire safety provisions (8.16)
- 86-07 Adds §16.08.345 and Ch. 16.17; amends §§16.04.030, 16.12.010, 16.12.030, 16.16.070, 16.20.010, 16.24.010, 16.28.010, 16.36.020, 16.36.040, 16.40.010 and 16.40.020, vesting tentative maps (16.04, 16.08, 16.12, 16.16, 16.17, 16.20, 16.24, 16.28, 16.40)
- 86-08 Repeals and reenacts Ch. 10.40, speed limits (10.40)
- 86-09 Amends §§17.92.030, rezoning, 17.92.040, prezoning, and 17.92.060, text amendment (17.92)
- 86-10 Adds §17.96.050, limitation on time for challenging decisions (17.96)
- 87-01 Amends §§6.04.020, 6.04.030, 6.04.060 and 6.04.130, dog control (6.04)
- 87-02 Adds §3.20.150; amends §§3.20.110 and 3.20.120, sales tax (3.20)
- 87-03 (Pending)
- 87-04 Repeals and reenacts Ch. 16.36, parkland dedication and in-lieu fees (16.36)
- 87-05 Storm drainage requirements (Not codified)
- 87-06 Adds §10.04.075, vehicle weight and §10.32.290, commercial vehicle parking (10.04, 10.32)
- 87-07 Amends §17.72.020, off-street parking (17.72)

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87-10 Sewer connection and service charges (Repealed by
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87-11 Adds §17.28.015, subzones; amends §17.28.040,
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87-12 Adds §17.64.130, small collection facilities;
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88-01 Amends §8 of Art. 8 of Ord. 74-1, cross-connection
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88-02 Repeals and replaces Ord. 87-10, sewer connection
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88-04 Amends Ord. 88-02, sewer connection and service
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USE OF THE INDEX

Book Publishing Company uses an indexing system especially suited to municipal codes. Similar in form to the usual index, our system follows code organization and is designed to facilitate supplementation. Each section is indexed under one main heading, with additional entries for official duties and single references for required bonds, licenses, and permits. Multiple entries increase page costs and the likelihood of error in later supplements; therefore, extensive cross-references are used in lieu of multiple entries to direct the code user to the information sought.

To help you understand how our indexing system works, listed below are nine typical entries. These entries are keyed to brief explanations of their form and purpose. The typeface of a cross-reference indicates its place in the index. Here are some examples:

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²See also VEHICLE

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³Definitions 11.04.010

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⁶Parking See PARKING

⁷Signal See Control device

⁸TRANSIENT MERCHANT See PEDDLER

⁹TREE NURSERY See ZONING

EXPLANATION OF ENTRIES

1. Information is under a specific heading, such as SALES, USE TAX or TRANSIENT OCCUPANCY TAX.
2. Related entries can be found under the heading VEHICLE.
3. Each term defined is listed separately; in addition, the section containing the definitions is indicated.
4. Information can be located at another division of this heading.
5. Officials and agencies usually have their own entries.

6. Parking provisions of the traffic title are indexed separately under PARKING.
7. Information is under the heading TRAFFIC, consolidated under the subheading Control device.
8. Provisions have been consolidated with similar information, under the heading PEDDLER.
9. Zoning provisions are indexed under ZONING. A more extensive treatment is given these provisions: permitted uses and development standards are listed under both specific and and general headings, as in these examples:

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